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TRANSLATION

OF

GENERAL REGULATIONS

FOR THE

EXECUTION OF THE MORTGAGE

FOR

CUBA, PUERTO RICO, AND THE PHILIPPINES.

(1893.)

WAR DEPARTMENT,
DIVISION OF CUSTOMS AND TRADE,
1899.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1899.

Cuba. Laws, statutes, etc. Mortgage law

TRANSLATION

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Rec. Oct. 25, 1900.

INTRODUCTION.

MADAME: The Mortgage Law sanctioned by Your Majesty for the Colonies, amending the real estate system, made a change in the Regulations unavoidable.

In the law the greatest respect for the original text was observed, conforming thereto, as far as practicable, in the arrangement and nomenclature of its titles and the numeration of its articles. But it is not possible at the present time, nor would it be advisable, to observe the same rule, with the exception of the recompilement of the three regulations which were applied to the Colonies into one, in the same manner in which the three laws have already been united. The subordination of the new to the old text is impossible, because the regulations being liable to change, as they are perfected daily by the teachings of experience, some parts being amended, while new cases are embraced in others, the text for the Antilles was somewhat distinct from that for the Peninsula, that for the Philippines differing still more therefrom, and separate new provisions are now in existence which must be embraced in the new text. To all this must be added the fact that, in the endeavor to improve the method, the system pursued by the law was departed from in the regulations, as if a different legal subject were in question, adopting another arrangement of the subject-matter by which its management and the attempt at agreement is made rather difficult. Perhaps the arrangement which was preferred is more perfect than that of the law, but the difference has caused confusion, which has been increased by the large number of provisions and decisions not yet incorporated in the text.

To re-establish the coördination of the regulations and the law, and to unify the arrangement of the subjects, is one of the advantages of the annexed plan.

Of the regulations enacted for the execution of the mortgage law, those for the Philippines, dated August 16, 1889, are the latest. All the provisions which have been enacted were condensed up to this date, and have been made use of in the foundation of the one now proposed. The consideration of the method indicated has suggested this choice, and all the provisions of a general character proposed up to the present time have been added thereto, harmonized to the Civil Code and to the amendments introduced in the mortgage law, and finally it is perfected,

with the rules for procedure and for the application of the new precepts contained in said law.

Some explanation of these rules at the present time appears particularly necessary, as the convenience and scope of the other innovations were explained at the time the reform of the law, which was favorably considered by the Cortes, was proposed.

The procedure permitting sellers of agricultural implements to make use of the advantages allowed them by Article 112 of the law is regulated by a detailed statement of the requisites necessary for the execution of instruments and the proper records, so as to prevent any difficulties.

With regard to the record of small estates, the provisions contained in Article 3 of the law are elucidated, perhaps unnecessarily, so that it can be well understood that contracts involving real estate, the value of which does not exceed 300 pesos, enjoy the same advantages as those regarding property rights of any kind whatsoever, and that inheritances of less than 2,500 pesos in value, when no partitions thereof take place, are governed by the same provisions as those requiring a formal act of partition.

Article 128 of the law declares that the regulations will fix the complementary details of the new procedure established for the collection of mortgage debts by Article 127 et seq. This amendment being one of the principal ones, and the manner of its application having been reserved to the regulations, it has been decided that in the instrument establishing the loan, the estimated value of the estate shall be stated, the right to new appraisements in the future being renounced, and that the day on which the obligation falls due be fixed in a definite manner; that all payments, which must be shown by notarial instruments, be recorded in the Registry by means of marginal notes, and that the petition to make the credit effective be expressed in terms commensurate with its great importance, including a copy of the instrument establishing the loan and of the certificate of the Register, which shows the actual status of the debt the collection of which is demanded.

After the formal demand for payment has been decreed, which shall be done once only, subsequent creditors shall be notified of the demand, so that they may be present when the public sale takes place, should they so desire.

The failure to attach mortgaged property does not extend to other property against which said creditor brings his action. In such case it shall be necessary to follow the proper requirements of the Law of Procedure, only shortening and simplifying them to secure the effectiveness of the mortgage.

Thirty days after the formal demand for payment has been made, a notice of the auction shall be published in the "Gaceta" of the proper Island, and after said auction has taken place, if the debtor does not demand that the estate be awarded him for the amount agreed upon, he may request other auction sales with prudent reductions of the min-

imum acceptable, reserving the total sum of all other obligations contracted prior to the mortgage security of his debt. Such provisions of the law of Civil Procedure shall be followed which are best suited to this most summary procedure to secure all rights. Article 413 of the law repeals other articles conflicting therewith, even when they do not refer to questions of mortgages, and the regulations must subordinate themselves to the letter and spirit of the latest provisions.

The entire section regulating the executory procedure for the collection of mortgage debts conforms to the ordinary system of judicial proceedings, so far as is permitted by the careful innovations which the law has desired to introduce, to release debts from the formalities and ceremonies which frequently sacrifice on the altar of fraud, that justice which it was most particularly desired to respect. We start from the principle that a mortgage record contained in a Registry defines a state of a right no less worthy of a presumption of inherent and conclusive legality than that other state which follows a decree of sale in the foreclosure action, with weaker securities and fixed or privileged exceptions and defenses. The greatest care was taken to insure the ease and efficacy of compulsory proceedings, under the responsibility of the claimant, and instead of permitting this intention, of so vital importance to credit, to be frustrated by possible contentions, which in every case would be restricted or imperfect, everything has been reserved which can and must be inconsistently interpreted, so that any person may bring the question up in a declaratory suit, which can be done at any time, and a final judgment thereon secured by the measures which are added to the ordinary procedure to insure the compliance of the same.

In establishing means to release estates from incumbrances which are not recorded in accordance with Article 349 of the law, the unjustifiable statement is made that incumbrances which are not in the possession of the person who had them recorded thirty years before, can not be the basis of said proceedings, notwithstanding that they are in the possession of his legal representatives, although not recorded.

The separation established by Article 397 of the law between records of ownership and those of mere property rights entered in the old books is explained with the greatest clearness, providing in its first paragraph that the former may be transferred at any time, and the latter, in accordance with paragraph 2, only within the period of one year, if they are to prejudice third parties.

The scope of the first and last paragraphs of the same article is also made clear, the former providing that the old entries must be transferred to the new books if they are to prejudice third persons, and the latter that, even if they are not transferred, they shall continue effective between the parties.

The necessary precautions are also adopted to prevent these provisions from being avoided, and the transfer is regulated by all the provisions appearing necessary.

The most summary procedure is ordered for the conversion of entries of possession into records of ownership. To the models which for the uniform and correct application of the law have always accompanied the regulations, models the number and variety of which for the Philippines greatly exceed those for the Peninsula, another one of marked practical convenience is added, consisting of the papers of the proceedings regarding notices of possession, so that they may comprise all the details required by the Mortgage Law, thus avoiding any difficulties which may be caused by its deficiencies. This model has no didactic character, nor is it made public for the officials who have a knowledge of the precepts to be applied, such officials being often substituted or replaced by individuals who are not lawyers. It would be useful in these cases, and will always serve as a detailed official model for interested persons, which at the same time will unify the practice and understanding of the law enacted.

Leaves of absence for Registers are regulated, avoiding their frequent recurrence in the Islands, and limiting the duration of their absence from the Islands, which was excessive; rules already in force are incorporated and there is avoided the inopportune application of provisions enacted for other officials and inappropriate to the office of Register.

The rules for leave of absence of Registers of the Peninsula are given, having absolute regard for the jurisdiction of the Secretary of Grace and Justice.

Regarding the new procedure which shortens the periods for general assignments and the appointment of temporary Registers, which will greatly benefit good service, the report of the full Council of State has already been heard, whose proposals, with slight modifications, are embodied in the new regulations.

The previous ones contained many references to various matters which pertained to other legal matters, a system which hinders the dispatch of business. This evil is avoided by reducing the citations to such provisions which are not pertinent to the subject-matter of the regulations, embodying those referring to competitive examinations for Registers of property, and for positions in the Notarial and Registry Division, at the same time introducing in the latter some reforms suggested by experience.

The statistical service requires a great impetus because of its great usefulness, and this is secured by a slight increase in the clerical force of the proper Division of the Department. The interesting information which is to be gathered and arranged in the future, with a comprehensiveness and scope which this service does not possess among ourselves, suggests, perhaps, the publication of "Annual Reports" which would contribute to a general knowledge of our colonies, greatly assisting the mission of the governing officials, as well as cementing the relations between them and the Peninsula.

Temporary provisions corresponding to the character of the subject-matter regulate the classification and the proper bonds of Registers;

the period of one year during which implied mortgages in Cuba will be open to the provisions of the new law, the closing of "Anotadurias" in the Philippines, the unification of the eligible lists for filling Registries, and some other questions such as that of "haciendas comuneras" in Cuba.

As the Mortgage Law must be put into operation, twenty days after its publication in the respective official Gazettes has been concluded, in accordance with the provisions contained in Article 1 of the Civil Code and of the Royal Decree of July 31, 1889, the annexed Regulations, indispensable for the execution of the former, will become effective simultaneously, a distinct period of twenty days not being counted for this purpose. In Cuba, in Pueto Rico, and in the Philippines, respectively, and in each case the substitution of the actual provisions for the new ones, of the law as well as of the regulations, must take place simultaneously.

The unextendible time in which these Regulations are to be put into operation, as has just been stated, and the legal necessity of submitting them to the Council of State to make them final, requires that they be published at present as provisional in character, as has been done for similar reasons.

In view of the foregoing considerations, and in accordance with the Council of Ministers, the undersigned has the honor to submit, for the approval of Your Majesty, the following draft of a decree.

Madrid, July 18, 1893.

Madame:

At the Royal Feet of Your Majesty.

ANTONIO MAURA Y MONTANER.

GENERAL REGULATIONS FOR THE EXECUTION OF THE MORTGAGE LAW FOR CUBA, PUERTO RICO, AND THE PHILIPPINES.

TITLE I.

INSTRUMENTS REQUIRING RECORD.

ARTICLE 1. Registries of real estate shall be divided into three classes, according to the amount of fees collected by them. The classification of Registries may be changed every ten years, according to the results of experience during the last five years, and after the formalities prescribed in the following article, necessary for the transfer of their location, have been complied with.

ART. 2. The Government may order the change of the location of Registries, subject to the following rules:

First. That reasons of public convenience exist sufficiently proven in the proceedings which for this purpose are instituted in the Registry and Notarial Division of the Colonial Department.

Second. That in said proceedings a hearing be given to the municipal councils of the towns situated within the jurisdiction of the Registry.

Third. That the Register of property, the Judge of First Instance, the Governmental Division of the proper Audiencia, the Governor of the Province, and the Governor-General report as to the usefulness, advantages, and disadvantages of the transfer.

Fourth. That the Council of State be heard.

ART. 3. When the transfer of the seat of a Registry has been ordered, in accordance with the provisions of the preceding article, the President of the Audiencia shall issue the orders necessary to carry it out immediately, proceeding so that due compliance may be given to the rules mentioned in Articles 6, 7, and 8 of these Regulations, with such modifications as are required by the nature of the case.

ART. 4. The provisional transfer of offices shall be permissible when Registers, by reason of extraordinary circumstances, or when the town is occupied or threatened by enemies, are prevented from effectively discharging their duties, or when in discharging them they would be obliged to recognize as legal, the instruments or documents authorized by the enemies.

With the exception of these cases, Registers shall not be forced to leave the locality where their office is located, and they shall be entitled

to a reward if, continuing to discharge their duties and confining themselves thereto, they secure the preservation and custody of the books and documents of the Registry. This reward shall be considered as a special award, for all the purposes of Rule No. 1 of Article 303 of the law.

ART. 5. Registers who find themselves in the situation referred to in the preceding article shall request the transfer of the office through a communication addressed to the judicial authority previously delegated to inspect the Registry, so that said official may designate the town or locality where it is to be transferred to. Said official shall immediately communicate it to the President of the Audiencia, stating at the same time the safest place in his judgment, so that the President may decide what may be deemed proper. If the urgency of the case requires it, the official may himself fix the place to which the offices are to be transferred, subsequently giving an account thereof to the President.

The offices should not be located outside of the territorial limits of the Registry. If this can not be effected and their transfer is made to a place in a different territory, the authority of the President of the Audiencia shall be indispensable for this purpose.

ART. 6. After the provisional transfer of a Registry has been ordered, it shall be communicated to the Governor-General and to the Governor of the proper province, and shall be published in the official newspapers of the corresponding island, stating the date of its establishment, and the date it was opened to the public, in the locality to which it has been transferred.

These facts shall also be communicated to the Colonial Department.

ART. 7. The transfer shall always be made at the expense and under the responsibility of the Register, who, should he consider it indispensable, may request the assistance of the authorities for the due protection of the books and documents of the Registry.

The following rules shall also be observed:

First. In closing the Registry on the day immediately preceding the date of the transfer, the Register shall make a record of its closure in the proper form, adding the following words before the date:

And this Day Book shall not be reopened until the transfer of this office to ——— has been made, at which place the Registry shall continue temporarily located, according to an order from ———.

Second. After the Register and his office have been established in their new locality, he shall advise the official who makes the inspections to this effect, who shall make an extraordinary inspection as soon as possible, the only purpose of which shall be to make a general inventory of all the books and packages of which the Registry is composed, so as to be able to state at any time the number and condition of the same after their transfer, being permitted, for the sake of brevity, to refer to his last inspection or inventory if the actual condition of the office can be understood therefrom.

Third. After the inspection has been concluded, the Delegate shall fix the day on which the new Registry is to be opened, ordering that it be announced with the greatest publicity and with proper previous notice.

Fourth. If some book or document appears to have been lost, the Delegate shall proceed as is proper according to law, taking into consideration the provisions contained in Title XV of the Law. At any rate, and no matter what the results, the President of the Audiencia shall be advised thereof.

ART. 8. When the President of the Audiencia orders the temporary transfer of a Registry, he shall designate in accordance with the provisions of articles 269 of the law and 309 of these regulations the judicial authority which is to be delegated to inspect said office.

ART. 9. As soon as the extraordinary conditions which caused the temporary transfer have disappeared, the Register shall thus advise the President of the Audiencia, through his Delegate, so that the President may authorize him to return to the town which is the seat of the Registry. Should the President consider that those conditions have disappeared, he shall authorize him to do so, the same rules being observed which are prescribed for the transfer, with the changes necessary in the entries in the Day Book showing the return.

ART. 10. The days following the closing entry mentioned in Article 7 until, in accordance with the order of the Delegate, the Registry is opened to the public in the town to which it was transferred, shall be considered as days on which no work can be done. During these days the fixed period established for the operations of the Registry shall be suspended.

ART. 11. When in changing the territorial limit of a Registry it is necessary to add thereto a new town or rural subdistrict, the Governor-General of the proper Island shall fix the date from which the documents relating to estates located in the annexed town or subdistrict are to be presented to said Registry, being published with the proper previous notice in the official newspapers.

To effect the annexation mentioned the rules prescribed in the following articles shall be observed:

ART. 12. The Register of the subdistrict to which the town belongs, from which the removal took place, shall deliver the books, documents, and other objects pertaining thereto, after they have been closed in the manner which shall be stated, and after an inventory has been made, setting forth—

The number and class of books delivered.

A literal copy of the entry of closure.

The number and character of the other documents and files delivered.

The date of the delivery.

This inventory shall be made in duplicate; both copies shall be signed by the Register and the Judge of First Instance, one copy being kept

in the Registry of the town from which the removal took place, the other one being sent, together with the books and papers in question, to the Register of the subdistrict to which said town is annexed.

ART. 13. Decrees ordering cautionary notices and copies of instruments of cancellation shall be understood as included among the documents referred to in the preceding article. All of them must be transmitted to the Register of the subdistrict to which the town is annexed, if they refer exclusively to estates situated within its municipal district; otherwise they shall remain on file in the original Registry.

The indices referring to the books transferred shall also be turned over, should they not contain any entries referring to other books which are to be retained and which form a portion of the old Registry.

Should said indices contain any data relating to other towns, the Register shall keep them in his office, but he shall make an abstract from the modern indices of city and country property of the data relating to the town from which the removal took place, and shall send it, together with the books, to the Registry to which it is annexed, which, in view thereof, shall make the necessary additions to the indices for *estates* of his Registry.

The latter official shall also make additions to the indices for *persons*, taking necessary data from the new books.

He shall add up the old indices in a similar manner, making use for this purpose of the same books or of the statements or abstracts of old entries which are sent him in their place.

ART. 14. The closing entry of the books relating to the town from which the removal took place shall be made on the date fixed by the President of the Audiencia, and if this can not be completed on said date the necessary hours of the same and of the following days shall be taken, even when they are days on which business should be suspended.

From the date fixed for this purpose no entry shall be made in the books of said town, nor shall any document referring to the same be admitted which is presented for entry referring to said town, but must be presented in the Registry which in the future the town is to form a part of.

Documents which have been presented previously and are awaiting record on said date shall be presented to the Register of the latter subdistrict, so that he may proceed in accordance with the Law and these Regulations.

The Register within whose territory was the town from which the removal took place, shall transmit with the documents above mentioned, a literal and certified copy of all the entries contained in the Day Book relating to documents presented during the thirty working days prior to the closing entry, and which refer to estates situated within said municipal district.

ART. 15. The closing entry shall be made in the presence of the

Judge, Register, and representative of the Department of Public Prosecution, the last two making a certificate on the back of the title-page of each book, showing—

First. The total number of folios contained in the book and its state of preservation.

Second. The number of folios written on, and the number totally blank.

Third. The number of folios containing blanks between entries, or having blots, corrections, erasures, or interlineations thereon, or they shall state that none such were found.

Fourth. The number of estates recorded, and of the entries relating to each one, stating the total number of entries in each volume, by entry being understood, for this purpose only, marginal notes and references made on the pages relating to each estate.

The Judge shall examine the certificate, and should he find it correct, he shall subscribe it with his signature and rubric.

ART. 16. After the closing entry and inventory have been made, the Delegate shall immediately inform the President of the Audiencia thereof, who in his turn shall advise the Colonial Department; he shall also inform the Register of the subdistrict to which the town is annexed, so that the latter, either personally or through his substitute or some Registry official, may send for said books and documents after they have been found to conform with the inventory, giving the proper receipt therefor, which he shall sign at the foot of the duplicate of the same. The delivery shall be effected in the presence of the Delegate before whom said Register, or the person representing him, shall make the proper statement with regard to any differences he may perceive between the books and documents delivered to him and the inventory.

ART. 17. The Register of the district to which the new town is annexed, must collect the books, documents, and files relating to the town annexed in the shortest possible time, always within fifteen days from the date he receives notice of the conclusion of the inventory, which period may be extended for just cause by the President of the proper Audiencia.

If said period has elapsed without this being done, the other Register shall deliver them to the Delegate, who shall transmit them with due precaution to the Delegate of the Registry to which the town is annexed, so that the latter may deliver them to the Register. All this shall be done at the expense and risk of the latter, and without prejudice to the responsibility incurred by his negligence and to the penalty he has subjected himself to, which shall be imposed upon him by the President of the Audiencia.

ART. 18. As soon as the Register gains possession of the books, documents, and files of the town, he shall inform the President of the Audiencia of this fact, also stating the time he requires to complete the indices. If, on account of not having finished the indices or not having

received the books, he can not make definite records within the period mentioned in Article 56 of these Regulations, he shall act in accordance with Article 42, No. 9, of the law.

ART. 19. The general and correlative numbering which the books relating to the town from which the removal took place bore in the old Registry shall be replaced by that corresponding to the new Registry, the first of said books bearing the number immediately following the last one opened in said office, preserving the special correlative numbering of the municipal district.

ART. 20. The titles of the books of the Registry of property relating to the new town shall be corrected by the addition thereto before the heading at the beginning: "Registry of property of ——— (the new one), formerly of ———," and after the last line of the title, "Volume ——— of property of ——— (the new one)."

ART. 21. The administrative remedies against the suspension or denial of an entry by the old Register of documents relating to the town from which the removal took place shall be presented to the Delegate of the new Registry, and any which are pending shall also be sent to the same person.

ART. 22. When the cause which gave rise to the annexation of a town is the abolition of its municipality, to incorporate it into another pertaining to a different Registry, the books of the municipality abolished shall continue to be kept in the same manner as formerly, being considered as a new section of the municipal district into which it is incorporated.

The provisions contained in the preceding paragraph shall also be applicable, in case the annexation is made to a municipality located within the territorial limits of the Registry.

ART. 23. If in the same instrument property located within a territory belonging to different Registries is alienated or encumbered, it shall be recorded in the proper Registry, its record being effective from the date of the presentation of the instrument, in so far as the property referred to therein is concerned. If an estate is located within the territory of two or more Registries, the record shall be made in each one of them, but only including therein that part of the estate which is located within its limits.

ART. 24. All real estate and property rights thereto may be recorded, without exception, whether belonging to private parties, to the State, to the province, to the municipality, or to civil or ecclesiastical corporations.

ART. 25. Exceptions to the record required by Article 2 of the law are:

First. Property which belongs exclusively to the eminent domain of the State, and which is for the use of all, such as the shores of the sea, islands, rivers and their borders, wagon roads, and roads of all kinds, with the exception of railroads; streets, parks, public promenades, and commons of towns, provided they are not lands of common profit to

the inhabitants; walls of cities and parks, ports, and roadsteads, and any other analogous property during the time they are in common and general use, always reserving the servitudes established by law on the shores of the sea and borders of navigable rivers.

Second. Public temples dedicated to the Catholic faith.

ART. 26. If any of the property embraced in the preceding article, or any part thereof, should change ownership, becoming the private property of the State, provinces, towns, or public establishments, it shall be recorded immediately, if it is to continue inalienable, and in accordance with Articles 42 et seq., if they are to be alienated.

ART. 27. In accordance with paragraphs 1, 2, and 3 of Article 2 of the law, not only must instruments be recorded creating, acknowledging, conveying, modifying, or extinguishing ownership or property rights mentioned in said paragraphs, but also any others relating to rights of the same character, such as the acquisition of estates, half of which are to be reserved on account of entail, definite concessions of mines, railroads, public works, water, pasture, and other similar rights, awards in payment of debts in accordance with the proceedings in general assignment or bankruptcy, concessions of crown lands, the right of antichresis, that of reconveying estates sold with a covenant of resale, or, in fact, any legal instrument or contract, which, without having a proper name in law, modifies at once, or in the future, some of the privileges of the ownership of real estate or property rights.

ART. 28. The obligations to transfer to another person the ownership of any real estate or property right, or of creating on either a right of the same character, shall not require record. Neither shall the obligation to execute in the future any of the contracts embraced in the preceding articles require record, unless the personal obligation in either case is secured by a realty.

ART. 29. Final decrees, which must be recorded in accordance with the provisions contained in the fourth paragraph of Article 2 of the law, are not only those which explicitly declare the incapacity of some person to administer his property, or modify in the same manner his civil capacity with regard to the free disposition of his fortune, but also all of those which legally produce some incapacity, although they do not declare it in a positive manner, such as decrees containing a declaration of bankruptcy or general assignment.

ART. 30. The provisions contained in the fifth paragraph of Article 2 of the law, with regard to the entry of leases, shall also be applicable to sublettings, subrogations, transfers, and releases, provided they come within the conditions contained in said paragraph; but in such cases no new record shall be made, but a marginal note opposite the one of the original lease, which had already been made.

ART. 31. Real estate and property rights owned or administered by the State and civil corporations shall at once be entered in the Registries of property of the subdistricts in which they are located.

ART. 32. The Administrative Departments shall order the corporations, offices, or persons depending on them, who enjoy, or who have charge of the realty mentioned in the preceding Article, to demand the proper records, and shall furnish them with such documents and information as may be necessary.

ART. 33. Whenever there exists a written title of the ownership of the State or the Corporation to the property to be recorded, in accordance with Article 31, it shall be presented in the proper Registry, and by virtue thereof a record of ownership in favor of the person who appears to be the owner shall be demanded, which must be granted, if it should be proper, in accordance with the rules established for records of private persons.

ART. 34. Should no written title of the ownership of said property exist, an entry of possession shall be demanded, which shall be made in the name of the State, if the latter should own it absolutely, or in favor of the corporation which actually has possession, or which had possession until the Administration took it into its custody.

ART. 35. In the record of ownership as well as in the entry of possession, the last grantor as well as the actual status of the possession of the recorded property shall be stated.

ART. 36. To make the entry of possession, the chief of the dependency in whose charge is the administration or care of the estates which are to be recorded, provided his office carries with it public authority or the right to certify, shall issue a certificate in duplicate, in which, referring to the inventories or to the official documents which are in his possession, he shall state:

First. The character, location, superficial area, boundaries, denomination, and taxes on the estates or rights that it is desired to record.

Second. The legal character, value, conditions, and charges on the property right in question, and the character, location, bounds, and name of the estate on which said right is charged.

Third. The name of the person or corporation, when it appears, granting the realty or property right.

Fourth. The time the State, province, town, or institution has had possession thereof, if it can be exactly or approximately fixed.

Fifth. The public service or object to which the estate is destined.

If any of these details can not be stated, this shall be mentioned in the certificate, indicating them.

These certificates shall be executed on stamped paper, the draft thereof remaining countersigned in its proper record of proceeding.

ART. 37. When the official in whose charge is the administration of the property, should have no public authority nor the right to certify, the certificate referred to in the preceding article shall be issued by the nearest of his hierarchical superiors who can do so, being furnished for this purpose with the necessary information and official data.

ART. 38. The two copies of the certificate mentioned in Article 36

shall be forwarded immediately by the official issuing it to the proper Register, requesting the proper entry of possession.

ART. 39. Should the Register give notice in the certificate of the omission of some indispensable requirement for the record, according to Article 36, he shall return both copies, giving notice of said omission, after having made the entry of presentation, and without making a cautionary notice. In such case new certificates shall be issued, in which said omission shall be corrected or stating the insufficiency of the data needed to do so.

ART. 40. After the record of ownership has been made, Registers shall return the instrument presented therefor to the offices or officials from whom they were received. When the possession is entered, the Registers shall retain in their possession one of the two copies of the certificate, and they shall return the other one, with the proper note of "Recorded," etc.

ART. 41. Property possessed by the clergy shall be entered in the same manner, as well as that which is returned to them and which is to remain in their possession as inalienable; but the certificates of possession which may be necessary for this purpose shall be issued by the Bishop of the Diocese.

ART. 42. The real estate or property rights owned or administered by the State or civil or ecclesiastical corporations, and which must be conveyed in accordance with the laws in force, shall not be recorded in the Registries of property until their sale or redemption in favor of private parties takes place.

ART. 43. When any of the property is to be sold, or any of the rights mentioned in the preceding article is to be redeemed, the Administrator of the Treasury (Administrador de Hacienda) shall search for and unite to the bill of sale or writ of redemption the title deeds of said property.

Should said title deeds not exist or not be found, this fact shall be stated in the said record of proceedings, and said Administrator shall issue the certificate in duplicate mentioned in Article 36, by virtue of which an entry of possession shall be demanded and made before the day fixed for the public sale, or before the redemption is effected if a property right is in question, and in all cases proceeding in accordance with the provisions of the preceding articles.

ART. 44. When the bill of sale or writ of redemption is executed, the title deeds of ownership, should they exist, or the duplicate of the certificate of possession, which otherwise should have been returned to the Register, according to the provisions of Article 40, shall be delivered to the purchaser or redeemer.

ART. 45. Those who, from the date the mortgage law went into operation, should have acquired from the State any conveyable property or redeemed any annuities (censos), shall have a right to demand the deeds thereto, or, in default thereof, the certificate of possession

mentioned in Article 36, with the Register's note stating that the respective entry has been made.

For this purpose Administrators of the Treasury shall immediately request the record of all property embraced in this case, forwarding the title deeds, should there be any, or the certificates of possession.

ART. 46. The purchasers of conveyable property and the redeemers of annuities (censos), also conveyable, who acquired their right before the Mortgage Law went into operation, may have them recorded in their favor by presenting only the bill of sale or writ of redemption, whether it is of a prior or a subsequent date.

ART. 47. When the State or civil corporations acquire some real estate or property right, the Governors of the provinces or the central Chief under whose dependency they are to be administered or possessed, shall take care that the titles of property be collected, should there be any, and that at any rate the entry which is possible, be made, either of ownership or of mere possession.

ART. 48. The authorities who administratively decree the award to the Treasury of real estate or of property rights in payment of debts, shall procure their record of ownership in favor of the State, seeing for this purpose that a certificate be presented to the Register embracing the decree and the other matters necessary for records, according to Artiele 9 of the law.

ART. 49. If in the cases stated in the two preceding articles the realty or property right does not appear recorded in favor of the debtor or assignor, and in addition thereto the deed thereof is not in existence or can not be found, the Administration shall issue the certificate mentioned in Article 36, with reference to the proceedings of attachment or award which may have been had, and shall demand of the Register, by virtue thereof, that he issue the certificate which must precede the record or entry in favor of the State.

ART. 50. By title deed shall be understood, for all the purposes of the record, the public instrument, which is *prima facie* evidence *inter vivos* or *causa mortis*, on which the person in whose name said record is to be made bases his right to the realty or property right.

Should said person possess more than one title deed, because, either being an heir or legatee, he bases his right on a testament, and on a partition, or, owning property, his right having been questioned, he is supported in his ownership by a compromise or final decree, or for any other cause, all the deeds shall have to be recorded, including them, if possible, in one entry.

ART. 51. Authentic documents for the purposes of the law shall be those which, serving as title deeds for the ownership or property right, are issued by the Government or by a competent authority or official, and which must be evidence in and of themselves.

For the intents and purposes of the second and following paragraphs of Article 3 of the law, the title, which can be obtained in similar cases with regard to property rights of which the law treats generically, shall

serve for the record of transfers or incumbrances relating to estates the individual value of which does not exceed 300 pesos; and when the question is of one or more heirs who are so *pro indiviso* and a partition is not possible or necessary, in inheritances of less than 2,500 pesos, the notarial instrument obtained in the manner prescribed by the article above quoted may also serve as a title.

ART. 52. Documents executed in foreign countries can only be recorded after they have been officially translated in the Translation Bureau or by any other official who is competently authorized therefor.

Judgments rendered by foreign Courts can not be recorded until the Supreme Court orders their execution, in accordance with the proper provision contained in the Law of Civil Procedure.

TITLE II.

RECORD—ITS METHOD AND ITS EFFECT.

ART. 53. By legal representative of a person interested in a record, for the purpose of demanding it in accordance with the provisions contained in Article 6 of the law, there is understood such person as is to represent him in all legal acts, in accordance to law, such as the father or the mother representing the child still under their authority, the husband representing the wife, the guardian, and the agent, even if the appointment of the latter is verbal or implied.

As agent shall be considered, for the purpose of presenting documents in the Registry and demanding a record, any person to whom the interested party intrusts this commission.

ART. 54. When the person who requests said record does so in the capacity of agent or representative of the person who, in accordance with Article 6 of the law, has a right to demand the former, the name of the principal shall be stated in the entry of presentation, and whether the appointment be verbal or written.

ART. 55. The clerks, officials, and assistants of the Registry of property can not present any document for entry in the Registry as representatives of the interested persons.

ART. 56. Records shall be made by Registers within fifteen days following the date of the presentation of the receipt showing that the fees have been paid; and should none be due on the instrument, it shall be so stated in the record, within the same period, computed from the date of the entry of presentation.

If this period has elapsed without the entry having been made, the interested party may complain to the Delegate and demand an investigation of the Registry proving the delay, and entering claim against the Register for any resulting damages.

The Delegate, in view thereof, shall order the entry made, and if the Register does not prove that some important, unavoidable obstacle existed which prevented it, he shall transmit a report to the Presi-

dent of the Audiencia, so that the proper penalty may be imposed on him.

ART. 57. To insure the record in the case mentioned in Article 7 of the law, the Notary, or the authority or official who issues or certifies to the instrument in which the right of a third person is reserved, shall forward the documents necessary to make said entry, directly to the Register.

The expenses incurred in the transmission of said documents shall be defrayed by the parties to the instrument or contract, containing the reservation of the right of a third person.

When the instrument or contract containing said reservation is certified abroad the Spanish diplomatic or consular agent shall forward the document or documents to the Department of State, who shall turn them over to the Colonial Department for the proper proceedings.

If the instrument or contract referred to in the preceding paragraph is certified in any part of America, to be used in the Registries of Cuba and Puerto Rico, or in any part of Asia or Oceanica, to be recorded in the Philippines, the proper Spanish agent shall transmit the document or documents to the proper Governor-General, who shall forward them to the President of the Audiencia of the territory for the necessary proceedings.

The Register, in view thereof, shall make the entry, if the instrument or contract is not subject to a tax, according to the note made in the instrument, proceeding for the collection of his fees in accordance with the provisions contained in Article 336 of the law. If a tax is to be charged, the Register shall make the entry of presentation, and shall not make the record until payment for the former has been made.

When the instrument or contract refers to property located in the territory of different Registries, the Register shall officially transmit to the proper Registry the document to be recorded, after having made in his own the entry of presentation advising the person interested to this effect. The other Registers shall proceed in a similar manner, the last one returning the document to the first.

The official transmission of the document which Notaries, Officials, or Registers must make, according to the cases mentioned, shall be through the representative of the Department of Public Prosecution, so that the latter may make the proper presentation.

ART. 58. Registers shall be careful under their responsibility in making the entry, or record, as the case may be, of the instruments or contracts referred to in the preceding article, that an express mention be made therein of the property right reserved, and of the persons to whom the reservation is made.

ART. 59. To number the estates recorded in accordance with the provisions contained in Article 8 of the law, the first one of which the ownership is entered in the new Registries shall be designated by Number 1, and with the following numbers in strict order of dates the ones which are successively entered under the same conditions.

Said numeration shall always be made in figures.

ART. 60. When an estate designated with its proper number in the Registry is subdivided, the part separated in favor of the new owner shall be entered with a new number, a brief statement of this fact being made in the margin of the old record with a reference to the new one.

When two estates are joined to make a single one, the latter shall be recorded under a new number, a statement to this effect being made in the margin of each one of the previous records relating to the ownership of the estates which are joined. In the new record reference shall also be made to said entries as well as to the incumbrances previously existing on said joined estates.

ART. 61. The following shall be recorded under one number only, should the interested parties so request, being considered as a single estate in accordance with Article 8 of the law, and for the effects mentioned therein:

First. Rural property known as estates, coffee plantations, sugar plantations, meadows, farms, cattle farms, pastures, etc., which form dependent or joined property, with one or more buildings and one or several pieces of ground, wooded or not wooded, even if the latter are not contiguous to each other, nor to the building, provided they belong to the same series of estates and to one person only, or to several *pro indiviso*, or even when they are subject to the same incumbrances or property rights belonging to one or more persons, and composed of different lots or parts given in emphyteusis. For the purposes of the record, the direct ownership only shall be considered, even when several persons collect rents or annuities of an estate in the capacity of direct owners, provided said estate is not actually divided among them for this purpose.

Second. All town estates and all buildings, even when certain parts, rooms or floors, belong to different persons, whether in absolute or qualified ownership.

Third. Any building or place of shelter situated outside of towns, with all its dependencies and appurtenances, such as yards, covered passages, pigeon houses, etc., even when it belongs to several owners *pro indiviso*, is subject to incumbrances or property rights belonging to one or more persons, and when it is divided into lots or parts given in emphyteusis.

Fourth. Contiguous parcels of land, belonging to one owner or to several *pro indiviso*, even when they have no place of shelter and have not been conveyed in the same manner nor by the same person, and came into the possession of the last grantee through different instruments.

When the property right or incumbrance which affects all of the estates united, referred to in No. 1, should be divided into fractions, and the estates encumbered by each part are determined, the latter may be recorded apart from the others, and under a separate number,

although all those which are affected by part of the incumbrance constitute one group among themselves.

If any of the groups of estates which may be recorded under one number, in accordance with the provisions of this article, should be located within the limits of two or more municipalities, the portion corresponding to each one shall be entered in its special Registry, a statement being made at the end of the record that the estates affected thereby, in conjunction with the others, whose numbers, folios and volumes shall be cited, constitute ——— the estate, coffee plantation, farm, etc.), with a statement of the name, should it have any, or otherwise the general name by which said group is known.

ART. 62. Records relating to each estate shall be numbered in the order in which they are made.

ART. 63. To indicate exactly the estates or rights which are the subject-matter of the records, Registers shall act in accordance with the provisions contained in Article 9 of the law, subject to the following rules:

First. The character of the estate shall be described, stating whether it is rural or city, and the name by which such estates are known in the province or town.

Second. The location of the rural estates shall be fixed by a statement of the district, subdistrict, or any other name by which the place in which they are located is known, their boundaries according to the four cardinal points, the character of the contiguous estate, and any details which will avoid its being confounded with others.

Third. The location of the city property shall be fixed by stating the town in which it is located, the name of the street or place, the number, should it have any, and if the latter is of a recent date, its former number shall also be stated; the number of the square, block, or quarter, the name of the building, should it be known by any special one, the bounds, and any other details which will serve to distinguish the recorded estate from another.

Fourth. The superficial area shall be stated in the manner in which it appears in the instrument and with the denominations employed therein; but if said measurement does not appear in the instrument, this fact shall be stated in the record.

Fifth. The character of the right recorded shall be indicated by the name given thereto in the instrument, and if none has been given it, none shall be expressed in the record.

Sixth. The value of the estate or right recorded shall be stated, if it appears from the instrument, in the same manner it is stated therein, either in money or in kind, or in any other manner. If said value has been arrived at by appraisement for the payment of the taxes, or if a use or annuity is in question which was capitalized for the payment thereof, the amount taken as a basis for the fees shall be indicated in the record.

Seventh. To indicate the extent of and incumbrances on the right which is to be recorded, a detailed and literal statement shall be made of all which, according to the deed, limits said right and the privileges of the grantee for another's benefit, whether it be a person determined on or an undetermined one, as well as the time when the obligations contracted will fall due, if those recorded are of this character.

Eighth. The liens on the estate or right which is affected by the immediate or mediate entry may appear either from a previous record or only from the instrument presented. In the former case their nature and number shall be briefly stated, indicating what number each one has, and the folio and *liber* of the Registry where they can be found. In the latter case they shall be copied literally, giving notice that they have not been recorded. If said liens appear from the instrument and from the Registry also, but with some difference between the two, said variance shall be noted.

Ninth. The names which must be stated in the record shall be expressed as they appear in the instrument, the Register not being permitted, even with the consent of the parties, to add or to omit any. To the name shall be added the age, status (whether married or single), profession, and domicile. Societies or public establishments shall be designated by the name by which they are known, stating their domicile at the same time, as well as that of the person who requests the record in their name, if it is not a society known by its firm name only.

Tenth. Any record of instruments or contracts for which taxes are due the State shall also indicate the amount thereof and the date and number of the receipt.

Eleventh. At the end of any record or notice the Register shall state the fees which were charged therefor.

ART. 64. In any record relating to estates of which the land belongs to one person and the building or the plantings to another, this fact shall be clearly stated.

ART. 65. Whenever any right previously created in realty, such as an annuity (censo), mortgage, use, and other similar rights are recorded for any reason whatsoever, there shall be stated the date of their creation, the name of the grantor, and the special incumbrances under which they were created, as far as they appear from the instrument, should they relate to a realty.

If these should appear from the original record of the right, subsequent ones shall only contain an indication thereof, with the proper reference to said record. Should no prior record exist, this fact shall be stated.

ART. 66. In records of mortgages the price at which the estate is valued by the contracting parties shall be stated, as well as a renunciation of any new appraisement or action brought for this purpose. The time of the maturity of the obligation shall also be stated with great precision and clearness.

Partial payments made by the debtor on account of the principal or interest of the loan shall be noted in the margins in the manner prescribed by Article 141 of these Regulations, it being permissible to prove them by a notarial instrument.

ART. 67. The assignment of a mortgage right or of any other property right shall be shown by means of a new entry, which shall make reference to the first one, giving its number and the names of the assignor and the assignee, and the other details which appear in the assignment and which are common to all records.

ART. 68. In records of leases the price stipulated and the duration of the contract shall be stated.

ART. 69. Railroad, canal, and other public works of a similar character may be recorded at any time, presenting for this purpose the instrument by which the definite concession of the work was granted, be it a law, Royal Decree, or public instrument, presenting at the same time the other documents fixing or modifying the rights allowed the grantee.

ART. 70. If the record treated of in the preceding article should be made during the execution of the public work, additions or corrections may be made, when said work or any of its sections is completed, by virtue of the instrument setting forth the survey and the plan, or by any other documents by which a change is made therein or in the rights recorded.

ART. 71. The record of the concessions treated of in Article 69 must be made in the Registry of property within the bounds of which is located the beginning of the road or canal, a brief reference being made to this original record in the other Registries whose territory is crossed by the public work, in which, as well as in the corresponding books of the proper municipalities, the length of the ground covered shall be stated, and the conditions of the property rights which may be of private interest in those districts, it being unnecessary in any case to state the bounds of the contiguous estates or the prior record of the land granted for the construction of the road or canal.

ART. 72. The stations, warehouses, dams, bridges, aqueducts, and other works constituting an integral part of said road or canal, necessary for its existence and operation, do not require a distinct and special record, but shall be included in the general record or in the special ones of the public work itself, stating in each Registry the works located in the part of the line comprised within their jurisdiction. But other buildings and constructions, such as orchards, gardens, forests, plantings, and any other rural or city property, and property rights arising out of railroads, canals, and other public works which are the private property of the grantee companies, must be recorded specially and separately in the proper Registry, with the details and conditions required by law and by these Regulations.

ART. 73. The original record of the railroad, canal, or public work

must necessarily state whether the company to whom the concession was granted is or is not authorized to issue mortgage bonds payable to the bearer; and should it be so authorized, the amount of the principal fixed therefor, which determines the scope and limits of the powers of the company in this respect. If this authority is granted after the record has been made in the Registry, it shall be entered by means of a marginal note opposite the same, the Royal Decree authorizing the issue of said obligations serving as a basis therefor.

ART. 74. After the description of an estate has been made in its record of ownership it shall not be repeated in any other records or entries made in the Registry relating thereto, provided the name, location, superficial area, bounds, and other important details are stated in the same manner in the instrument presented for this purpose; but the number of the estate, of the record, and of the folio and *liber* of the Registry in which said description may be found shall be cited, adding any other details to complete it, and which appear from the instrument presented.

When all the details are not indicated in the same manner, a statement shall be made of only the ones at variance and a simple reference made to the other ones.

ART. 75. Records of any kind shall be made in the following order:

First. Description of the estate the subject of record, or a reference thereto if proper, according to the preceding article.

Second. A statement of the encumbrances, should there be any.

Third. Name and title of the person transferring the right or the name of the corporation or legal person who is the last grantor thereof.

Fourth. A statement of the property right which it is desired to record, and of the interest on which it is based, if the estate itself is not alienated by the record.

Fifth. The name of the right transferred, and that of the person, entity, corporation, or organization to whom it is transferred.

Sixth. An exact copy of the conditions imposed upon the grantee or upon his successors which restrict the privileges of ownership in any manner whatsoever.

Seventh. A statement of the instrument presented to the Registry, indicating the Court or the name and surname of the notary or official who certified it, the place and date of its making and execution.

Eighth. The day and hour of its presentation to the Registry, citing the number and folio of the entry of presentation.

Ninth. The amount paid for Royal taxes and the number of the receipt, which shall remain in the possession of the Register, or a statement that the instrument or contract is not subject to said tax.

Tenth. The conformity of the record with the documents to which it refers, and a statement of the package in which those which must be filed may be found.

Eleventh. Date of the record and signature of the Register.

Twelfth. Fees of the Register.

ART. 76. For the purposes of the fourth paragraph of Article 2 of the law and Article 29 of these Regulations, the record of final judgments declaring incapacity shall be made in accordance with the rules of Article 9 of the law and 63 of these Regulations, applicable thereto, and shall also contain the following details:

First. Name, surname, and residence of the complainant.

Second. Purpose of the complaint.

Third. The clause of the decision disposing of the question, indicating the Court which issued it, its date, and its final disposition.

Fourth. Proof of the publication of the incapacity and designation of the person who has been appointed to administer the affairs, if said person should be named in the decree.

ART. 77. Registers shall consider, in accordance with the provisions contained in Article 18 of the law, as legal errors in the documents or instruments which it is desired to record, all those affecting the form of the instruments, as well as the effectiveness of the obligations or rights contained in the same, provided they appear from the text of said documents or instruments or may be observed by a simple inspection thereof.

Those which do not state, or state without sufficient clearness, any of the details which according to the law the record must contain, under pain of nullity, shall be considered as comprised in Article 18 of the law.

ART. 78. The determination made by Registers, or, in a proper case, by the President of the Audiencia, of the legality of the instruments presented, of the capacity of the person executing them, or of the competency of the Judges or Courts ordering the cancellations, according to the provisions contained in Articles 18, 100, and 101 of the law, shall be limited for the purpose of refusing, suspending, or admitting the record, and shall not prevent nor prejudice the suit which may be instituted before the Courts with regard to the nullity of said instrument, or the competency of said Judge or Court, unless a judgment in cassation is rendered.

If the judgment rendered in said suit shows that the instrument was incorrectly classified, or the capacity of the parties thereto or the competency of the Judge or Court, the Register shall make the record or shall cancel the one that has been made, as may be proper, the new record bearing the date of the entry of presentation of the instrument which gave rise to these interlocutory proceedings.

ART. 79. Registers shall not only refuse to record any instrument which contains errors preventing it, making a cautionary notice thereof or not, as may be proper, but also, if it appears from said instrument that some crime has been committed, they shall give notice thereof to the proper judicial authority, forwarding the document containing it.

ART. 80. Registers can not themselves determine the legality of documents of any kind presented to them if they or their respective

wives or relatives within the fourth degree of consanguinity or the second of affinity have any interest in said documents. For this purpose the notaries certifying them shall be considered as interested.

The legality of the documents referred to shall be determined under their responsibility by the representative of the Department of Public Prosecution, or, in his absence, by a lawyer of the subdistrict, who must be an adult, to either of whom, as may be proper, they shall be transmitted by the Register, the former receiving the proper fees according to the Schedule.

ART. 81. If the Register should not make the record demanded on account of an error in the instrument, and the interested party requests that a cautionary notice thereof be made instead, in accordance with No. 8, Article 42 of the law, a marginal note shall be made in the following terms:

The record (or cancellation) referred to in the adjoining entry is suspended, because the instrument (or judicial mandate) presented (here the errors which have been noted). And as this error may be corrected, I make a cautionary notice thereof in volume ——— of the municipality of ———, folio ———, estate No. ———. (Date and surname.)

If the error is one that can be corrected and the thirty days referred to in Articles 17 and 19 of the law have elapsed without the cautionary notice having been requested or the error corrected, a note at the margin of the entry of presentation shall be made in the following terms:

The adjoining entry, No. ———, is cancelled, the document presented having contained the error ———, or the errors ———, and thirty working days having elapsed without having been corrected or a cautionary notice thereof having been requested. (Date and surname.)

ART. 82. In compliance with the provisions contained in the last paragraph of Article 66 of the law, and in the third paragraph of Article 246 of the same, if the interested person appeals from the determination of the Register, or if some consultation has been made regarding the taxes, if the thirty working days have not elapsed from the date of the presentation, a note shall be made at the margin of the entry of the latter in the following terms:

The adjoining record remains in force until the objection entered or the consultation made has been decided. (Date and surname.)

If the determination made by the Register is definitely confirmed, the decision shall be communicated to him officially; and if within the fifteen working days following the date on which the person interested was notified of the decision the errors are not corrected, the Register shall officially cancel it.

Should the error be corrected, or should it be decided that the record should have been made, the Register shall do so if the instrument has not been entered in the Registry, and if it has been noted, he shall convert said entry into a record.

ART. 83. If the defect in the instrument is such that the Register does not believe he should make a cautionary notice thereof in accordance with Article 65 of the law, he shall make a marginal note in the following terms:

The record (cautionary notice or cancellation) to which the adjoining record refers, is not admitted because the instrument presented (here the defects noted). And as said error does not appear to be capable of correction, a cautionary notice can not be made either. (Date and surname).

ART. 84. The assignee of any recorded right must enter the assignment in his favor, provided it has been effected by any recordable document. If the assignment has been made before the right is recorded in favor of the assignor, the assignee may demand the record in favor of the principal at the same time he requests his own.

Instruments of agreement and sale of crown lands shall be recorded in the names of the assignees, without requiring a prior record in favor of the State. The record of these instruments shall be obligatory, and they must be presented for this purpose within the period of one year, computed from the date of their execution.

ART. 85. Heirs and legatees can not record realty or property rights in their favor which have not been recorded by the decedents. The property or rights which come under this head shall be recorded in the name of the deceased person before being entered in the name of the person to whom they were awarded. This record shall be made at the expense of the estate and at the request of any of the interested parties or of the representative of the Department of Public Prosecution, if the heirship is vacant.

A prior record in favor of the principal shall not be necessary with regard to real estate and property rights that he may have acquired before the date on which the mortgage law went into operation, provided this is made to appear by the means indicated in Article 20 of the law.

ART. 86. Whenever a record or cautionary notice of real estate, which, on account of the death of a person, must pass to his heir or legatee, is requested without a judicial decree having been issued, the instrument proving the date of said death shall be presented and filed in the Registry.

ART. 87. Authenticated documents shall be considered for all the purposes of the second paragraph of Article 21 of the law, lease contracts of the last ten years, in which mention is made of the general title; judicial proceedings of possession, survey, or demarcation; decrees of summary action for possession, or any other documents which certify to and which expressly mention the property and their origin in terms sufficiently explicit in the judgment of the Register, the proper administrative appeal from his decision always being reserved.

ART. 88. Judges or Courts before whom an action is brought concerning the nullity of an entry or record shall inform the proper Register of this suit.

The Register, on the same day he receives the notice from the Judge or Court, shall make a marginal note against the entry or record in the following terms:

Suit against the nullity brought by N——— before the Inferior Court or Court of ———, office of ———. (Date and surname.)

ART. 89. If the exception to the nullity is refused, the Court or Judge shall also communicate to the Register the decree in which it is refused, so that he may cancel the marginal note which has been made, by another contiguous one, stating:

The appeal of nullity indicated in the preceding note has been refused by a decree of such date. (Date and surname.)

ART. 90. After the nullity of an entry or of a record has been declared, the Judge or Court shall order it canceled and a new one made in the manner prescribed by the law.

This new record shall be effective from the date it properly should be, according to the respective cases.

TITLE III.

CAUTIONARY NOTICES.

ART. 91. The person who brings the action for ownership, referred to in case No. 1 of Article 42 of the law, may at the same time or subsequently request that a cautionary notice thereof be made, offering to indemnify any damages which may be caused the defendant thereby, should he win the suit.

The Judge or Court shall order the notice made, if it is proper, at the time of beginning the action and within the period of three days if said action is subsequently begun.

ART. 92. Cautionary notices shall be made by an attachment of realty or property rights, ordered by a civil or criminal judgment, even when the former is only cautionary, the following rules being observed:

First. If the ownership of the estates attached appears recorded in the old or new books in favor of a person other than the one against whom the attachment was ordered, entry of the notice shall be refused, the provisions prescribed by the law and regulations for records refused on account of errors which can not be corrected being observed. The Registers in such case shall keep one of the copies of the judgment and shall return the other, with a memorandum of the refusal, clearly stating the reason therefor.

Second. If the ownership of the property attached is not recorded, the notice of the attachment shall be suspended, and in its place a cautionary notice shall be made of the suspension of the same, if said error is capable of correction.

Third. The persons interested in attachments may demand that the person who is considered the owner, or his representative in the proceedings, be required to correct the defect by having the omitted record

made; and should he refuse to do so, they may request that the Judge or Court order it, if they have or can present the instrument requisite for this purpose.

Fourth. When, by virtue of a final decree, the sale of the attached property is ordered, the interested persons may also, if the owner refuses to have the record made, supply the lack of titles by the means established by Title XIV of the law.

Fifth. The interested persons may request in the same manner, in a proper case, that the attached property be sold at auction on the condition that the buyer make the record which was omitted, before the execution of the bill of sale, within a sufficient period to be fixed by the Judge or Court, taking all steps for this purpose that the person interested could have taken, in accordance with the provisions above mentioned. The expenses and costs caused by the refusal of the owner to make the record shall be defrayed by him.

ART. 93. Authorities who order the attachment of realty in administrative proceedings shall have cautionary notices thereof entered. For this purpose they shall order a certificate in duplicate to be presented to the proper Register, comprising the writ of attachment and other matters necessary for such entries, according to Article 72 of the law.

ART. 94. When the purchaser of an estate or right belonging to the State is declared a bankrupt, not having paid the price therefor within the proper time, a cautionary notice of this declaration shall be made, proceeding for this purpose in the manner prescribed in the preceding article.

ART. 95. The cautionary notice treated of in case number 3 of Article 42 of the law can not be made until, in the execution of the judgment, realty of the person against whom judgment is rendered is ordered attached, in the manner prescribed for summary actions for possession.

ART. 96. The cautionary notice treated of in case number 4 of Article 42 of the law shall also be proper when some debtor is declared insolvent or bankrupt, in accordance with the proceedings prescribed by the Law of Procedure.

ART. 97. Any cautionary notices which can not be made except in accordance with a judicial decree, shall be made by virtue of the presentation in the Registry of the mandate of the Judge or Court, in which shall be comprised literally the special order in which it was decreed, its date, and the document or documents upon which said notice is based.

The mandate shall always be issued by the Judge or Court within whose territorial limits the Registry in which the cautionary entry is to be made is located, to whom other Judges or Courts shall transmit letters requisitorial to issue the mandates, when the Registry is not located within their own jurisdiction.

ART. 98. Cautionary notices may be demanded by the persons interested therein, in accordance with the law and these regulations.

ART. 99. Cautionary notices shall be proper—

First. When they are directly and specifically demanded or ordered; provided, that for this purpose a title deed, document, or mandate is presented to the Registry which can produce it, in accordance with Articles 19 and 42 of the law and other provisions of the same.

Second. When some record or marginal note is requested, which can not be made on account of some error susceptible of correction, or any other impediment insufficient to cause its refusal, if the interested persons request that said cautionary notice be made while the error is being corrected.

When a cautionary notice is ordered by a judicial mandate, which can not be made for good reasons, compliance therewith shall be suspended and a cautionary notice of the suspension shall be made.

All cautionary notices shall include the details stated in the following article.

The provisions of number 2 of this article, relating to marginal notes, shall be construed as being applicable exclusively to those which are not a necessary consequence of some record.

ART. 100. To make a cautionary notice of legacies by virtue of an agreement between the parties, according to the provisions contained in Article 56 of the law, a certified copy of the beginning, the ending, and proper clause of the will shall be presented to the Register, with a petition addressed to him, signed by the legatee and by the heir, requesting that said notice be entered, and fixing by common consent the property against which it is to be made.

When the notice is to be entered by virtue of a judicial mandate, the certified copy mentioned in the preceding paragraph shall be presented to the Registry, together with the mandate issued by the Judge or Court, in accordance with the provisions of Article 57 of the law.

ART. 101. When the heir and the legatee request, by common consent, that a cautionary notice be made of some legacy, they shall state in their petition the name, status (whether married or single), age, residence, and date of the death of the principal, as well as the fact of no testamentary proceedings having taken place, and that the inheritance has been accepted by the heir.

If, in the latter case, the estate to be entered is not recorded in favor of the testator, a request must be made for its record, the title being presented to the Registry, should there be any, from which all the other details, which must be embraced in the notice, shall be taken.

Should there be no title, the ownership or possession shall be recorded by the means authorized by the law.

ART. 102. To serve the notice mentioned in Article 49 of the law on the legatees, in due form, the heir shall appear with his petition before the Judge or Court of competent jurisdiction, presenting a copy of the

will and an inventory of the realty. The Judge or Court shall then order the notice served immediately, and after it has been served he shall order that the original papers be turned over to the interested person for such purposes as he may deem proper.

ART. 103. After thirty days have elapsed from the date of the notice, without the legatees having exercised their rights, the heir may request a record of the entire estate inherited, presenting to the Registry, besides his title, the original papers mentioned. If the legatees request that the notice be entered, the heir may also record the property which is entered, and which has not been specially bequeathed, but subject to the lien of said entry.

A record in this case, as well as in the case of all the legatees renouncing their right of entry, must refer either to the instrument containing the renunciation made by the legatees or to the notice, proceedings, and their result.

ART. 104. According to the provisions contained in Article 59 of the law, a cautionary notice in favor of agricultural creditors may be demanded by virtue of a written private contract. For this purpose the following shall be necessary:

First. That said contracts clearly state all details necessary to avoid doubts and questions regarding their fulfillment, the entry of those which are not compiled with the necessary clearness being refused.

Second. That all the persons interested in the entry appear in person at the office of the Registry, the Register assuring himself of their identity and of the authenticity of the signatures at the foot of said contract.

Third. That if the estate which is to be the subject of the agricultural loan is not recorded in the Registry as the property of the debtor, it be recorded with the necessary formalities, the entry being otherwise refused.

ART. 105. If the estate which is the subject of the agricultural loan is not recorded in the name of the debtor, and it appears from the instrument presented that it is subject to a property obligation, the Register shall make the record, but shall suspend the entry of the notice until the proceedings prescribed in Article 61 of the law have been instituted, or the proper agreement has been presented.

ART. 106. To institute the proceedings treated of in Article 61 of the law, the debtor shall address a petition to the Judge of First Instance of the subdistrict in which the estate is located, stating the works which the latter requires, the approximate cost thereof, and the actual value of said estate; and requesting that the persons who may have some property right in the realty be cited, so that they agree thereto, or state what may be advisable for the protection of their rights. This petition shall be accompanied by a certificate of the appraisement made by experts, and by the documents wherein appear the names and rights of the persons to be cited.

The Judge shall order the citation made with the formalities prescribed in Articles 270, 271, 274, and 525 of the law of Civil Procedure for Cuba and Puerto Rico, and Articles 254, 255, 258, and 509 of that for the Philippines.

If any of said persons is unidentified or is absent, his place of residence being unknown, the representative of the Department of Public Prosecution must be cited.

ART. 107. The persons cited in accordance with the foregoing article may agree to the demands of the owner, in which case the Judge shall issue a decree authorizing the entry, or they may oppose them as to the value at which the estate has been appraised, as well as the works which it is desired to execute, if, as a result, their rights are not sufficiently protected.

ART. 108. The persons opposing the appraisement or the works shall appoint an expert, who, together with the one appointed by the owner, shall correct the appraisement or make a report on said works.

For the appointment of this expert, and to overcome the disagreements which may occur, the rules established by Article 613 et seq. of the law of Civil Procedure for Cuba and Puerto Rico, and Articles 597 et seq. of that for the Philippines, shall be observed.

ART. 109. After the report of the experts, if the opposition referred to the appraisement, the Judge shall issue a decree authorizing the entry and declaring the value of the estates which are the subject of the agricultural loan. If the opposition referred to the works, the Judge shall order the interested persons and the experts to appear before him in an oral trial, for the purpose of securing an agreement between the former. If no agreement can be reached, the Judge shall close the proceedings and issue the proper decree, according to the proofs, either prohibiting the agricultural loan, or authorizing it if it appears from the report of the experts that, after the works have been made, the rights of the persons opposing them shall be no less protected than they actually are, because of the lowering of the income of the estate or its selling price.

ART. 110. To distinguish defects capable of correction from those which are not, and to enter or not a cautionary notice by virtue thereof, according to the provisions contained in Articles 65 and 66 of the law, the Register shall consider the validity of the obligation entered into by the instrument. If this should be null because of its character, conditions, the capacity of the parties thereto, or other similar reason, independent of its extrinsic form, the defect shall be considered as not capable of correction. If the obligation is a valid one, taking into consideration the circumstances mentioned, and the defect is only in the external form of the document containing it, which can be amended or re-executed at the will of the persons interested in the record, the defect shall be considered capable of correction.

ART. 111. In the cases of Article 19 of the law the interested persons may reclaim the document and correct the defect within the thirty days during which the effects of the entry of presentation continue, and request the entry of a cautionary notice, which shall continue in force during the time fixed by Article 96 of the law, or bring administrative proceedings against the Register. When the Treasury is interested it shall be represented by the Public Prosecutor in the absence of the State Attorneys.

ART. 112. The administrative remedy referred to in the preceding article shall lie in all cases in which the Register suspends or refuses a record or entry, for any reason whatsoever. The interested persons shall apply to the Judge of First Instance of the subdistrict, who shall render a decision after hearing the Register. From this decision an appeal may be taken to the President of the Audiencia within the period of eight days, computed from the date of the notice, and, as a last resort and within the same period, to the Registry and Notarial Division of the Colonial Department.

ART. 113. If the object of the proceedings should be to demand the record, they may only be instituted by the persons interested therein or by their legitimate representatives, and in no case by the Notaries who certified to the respective instruments, by virtue of this simple and exclusive act.

When the interested persons appeal, because the record was suspended on account of defects in the manner of executing or drawing the document subject to record, the Notary who certified to it shall be given a hearing, in addition to the Register.

ART. 114. Without prejudice to the interested persons requesting the record, should they desire to do so, the Notaries, in case of the suspension or refusal of a record on account of defects in the instrument, may, subject to the established procedure, institute the proper administrative proceedings, which must be limited to a request for a declaration that the document is executed in accordance with legal formalities and prescriptions. A definite declaration that the document is correctly executed shall be equivalent to ordering its record, in view of which the interested person, without any further proceedings, shall obtain the entry in a proper case.

ART. 115. Registers, Notaries, and interested persons may appeal to the Division from the decisions rendered in administrative appeals by the President of the proper Audiencia.

The period in which all appeals must be taken shall be eight days, computed from the date of the notice of said decisions.

ART. 116. Independently of the administrative remedy mentioned in the preceding article, the interested parties may institute proceedings before the Courts to investigate and contend among themselves the validity and consequent record of the instruments, as well as to the nullity or validity of the obligation therein contained.

The Register, against whom no judicial action can be brought, shall not take part in the suit instituted for this purpose by the interested parties, in accordance with the provisions of the law, except when a formal action is brought against him personally, to exact the civil or criminal responsibility to which his actions may have given rise.

ART. 117. Administrative remedies instituted by the interested persons against the determination of the instrument made by Registers, or against the refusal of the latter to record or enter any document in the Registry, shall be officially instituted and no fees charged therefor. In the same manner any administrative proceedings brought by Notaries, the object of which is to procure a declaration that the document which has not been recorded on account of defects therein, has been executed in accordance with legal prescriptions and formalities, shall also be proceeded with officially and without charges, no matter what the decision in the case may be.

ART. 118. When Registers, in accordance with the provisions contained in the last paragraph of Article 19 of the law, suspend or refuse a record, notice, or cancellation of documents issued by a judicial authority, on account of defects therein, or on account of some legal obstacle which appears in the Registry, they shall return said documents to the Court or Judge who authorized them, with the proper communication, in which they shall state the legal provisions on which their suspension or refusal of the record is based.

ART. 119. The communication of the Register, with the document accompanying it, shall be annexed to the decrees which gave rise thereto. If the defect is capable of correction, and the Judge or Court consider the opposition of the Register well founded, they shall issue the orders necessary to remove the obstacle preventing the proper definite record from being made. Should they not consider it well founded, or that the defect is incapable of correction, they shall refer them to the parties within three days, and if minors, incapacitated persons, or the State are interested in the record requested, or when the object thereof is to secure the expenses in a criminal trial, they shall also refer them within the same period to the Department of Public Prosecution.

ART. 120. The administrative remedy against the suspension or refusal of Registers to record or enter in the Registry a document issued by a judicial authority, must be brought before the President of the Audiencia within whose jurisdiction the Registry is located. The Department of Public Prosecution must necessarily, in the cases mentioned in the preceding article, institute the proper administrative remedy, which shall be brought by the prosecuting attorney of the Court or Tribunal which may have issued the document, with the proper petition, to the President of the Audiencia, sent through the Prosecuting Attorney of said Audiencia.

ART. 121. The President, after hearing the Judge or Court which issued the document, and also hearing the Register, shall issue the

proper decree, which besides being communicated to these officials, shall be forwarded to the plaintiff.

ART. 122. From the decision of the President the Judges, Courts, Registers or plaintiffs may appeal to the Registry and Notarial Division of the Colonial Department within the period fixed for other administrative appeals.

ART. 123. Registers must complain to the President of the proper Audiencia with regard to any omission on the part of Judges or Courts who, in taking cognizance of any civil or criminal question, have been to record or enter in the Registry any document, or to make any entry in the books which said officials consider improper. The President in view of the complaint of the Register, shall request a report of the Judge or Court who gave ground for it. After the report has been concluded he shall hear the Prosecuting Attorney and shall render the proper decision observing the other proceedings mentioned in the two preceding articles.

The Judge or Court of whom the President has requested a report, shall stay all proceedings against the Register until the final decision of the appeal, which he shall order complied with and executed.

ART. 124. Administrative proceedings brought by the Department of Public Prosecution concerning the determination as to the legality of a document made by Registers and complaints mentioned in the preceding article shall be officially instituted and without any fees being collected.

ART. 125. Final decisions rendered by the Registry and Notarial Division of the Colonial Department shall be published in the "Gaceta de Madrid," and in that of the proper island.

ART. 126. Cautionary notices shall contain, according to the cases, the following details:

First. A description of the estate which is the subject of the entry in the Registry, or encumbered by the right which is to be recorded, in the manner prescribed for records, to be taken either from the document presented for the entry, or from any previous record of the estate or right; but stating in the latter case the bounds, location, number, area, or other special and important circumstances of the realty, if they are not contained in the document.

Second. A statement of the liens on the estate, which, if they are recorded, shall be shown by a mere reference to the number, folio, and book containing them, and should they not be recorded, those which appear in the instrument presented shall be mentioned.

Third. The name and surname of the owner of the estate or right of which the entry treats, his status (whether married or single), age, place of residence and profession, as well as his title, should they appear.

Fourth. If an entry is requested after the owner of an estate or right of which it treats has died, and before it has been recorded in the name of his successor to said estate or right, the date of the death shall be stated, and also that of the will, should there be any, the name of the

Notary before whom it was executed, and that of the heir, or otherwise, a statement that judicial proceedings have been instituted for the declaration of heirship; and should the declaration have been made, the names, surnames, and residence of the heirs, and date of the decree by which they were so declared.

Fifth. If an entry of a suit for ownership is demanded, the date of the order permitting the action shall be stated, the object of the same, and the names of the plaintiff and defendant.

Sixth. If it should be made by virtue of a writ of attachment or of sequestration, or in fulfillment of some decree, it shall so be stated, the value of what it is desired to secure being mentioned, and the names of the persons in whose favor the decree was issued, and of the person against whom it was rendered.

Seventh. If it should be made by virtue of a decree declaring a person in bankruptcy or insolvent, or temporarily prohibiting the alienation of certain property, the basis and object of said decree shall be stated, and the name of the person who obtained it.

Eighth. If it should be made by virtue of a request to declare the civil incapacity of some person, the classification given to said person shall be stated, the kind of incapacity, a declaration of which is requested, the date of the writ of admission of the claim, and the name of the plaintiff.

Ninth. Should the entry be one of a legacy, its class shall be determined, as well as its value and conditions, and that the inheritance has been accepted by the heir without recourse to testamentary proceedings, that no partition of property has taken place, whether the one hundred and eighty days allowed by law to make the presentation of the request for the entry have elapsed or not, and whether the entry is made either by virtue of a judicial decree or by mutual understanding between the legatee and the heir.

Tenth. If the entry refers to some agricultural credit, the kind of works which it is intended to construct shall be briefly stated, the contract made for this purpose and its conditions, a statement that the estate has no incumbrances, or, should it have any, the value at which the estate has been appraised in its actual condition, with a citation of the persons interested in said liens, and if this was done by a public instrument and on what date, or by virtue of judicial proceedings, with a statement of the judgment rendered in the same.

Eleventh. A statement of the creation of the cautionary notice in the name of the person who has obtained it.

Twelfth. A statement of the document by virtue of which the entry was made, its date, and, if it is a judicial mandate, the name and place of residence of the Judge or Court which issued it, that of the Secretary or Clerk certifying it, and the number under which one of the duplicates of the mandate has been filed in the Registry.

Thirteenth. If the instrument is private, the Register shall also state that the parties appeared before him personally or through an attorney,

certifying that he knows them, and that the signatures at the foot of the petition presented to him are authentic; and should the Register not be acquainted with the interested parties or their attorneys, the petition requesting the entry shall be signed, together with said persons, by two witnesses, who shall take part in the proceedings and certify as to the correctness of the signatures of the parties.

Fourteenth. A statement of the date, book, folio, and number of the entry of presentation of the document in the Registry.

Fifteenth. That the entry conforms with the documents to which it refers; date, signature, and fees.

ART. 127. If a marginal note has been requested which is not a necessary consequence of a record or entry, and it can not be made on account of some defect in the instrument, a cautionary marginal note shall be made, if it should be requested, stating what it is desired to prove by the document presented, and the reason for the suspension, in the following manner:

The ——— pesos deferred payment of the price for which A bought of B the house of this number, as appears from the adjoining record, appear to have been paid according to a receipt signed by A in favor of B on the —— day of ———, before Notary C ———, the original copy of which has been presented in this Registry on the —— day of ———, at —— o'clock, in accordance with entry of presentation number ——, folio ——, of liber ——, of the Day Book.

But as said copy has the defect of ——— I suspend the entry of the record of payment and return the instrument so that the parties may correct the error, if they can do so, within the legal period, making this cautionary note in the meantime at the verbal request of A. (Date, surname, and fees.)

ART. 128. If a record of cancellation is requested, and it can not be made on account of some defect capable of correction, a record analogous to that of the cancellation requested shall be made, stating what record appears to be canceled; the names of the persons in whose favor the record is made, and of the persons interested in having the cancellation thereof made; the manner in which the right may have been extinguished, the date of the document, the official who certified to it, its presentation, the defect which it contains, the period within which to correct it; that the entry is made at the verbal request of the interested person; date, signature, and fees.

ART. 129. All cautionary notices made on account of the suspension of the requested records shall be made in the same manner as the said records, with the following changes only:

First. Instead of a record, it shall be stated that it is a cautionary notice.

Second. After stating the conformity of the entry with the documents to which it refers, there shall be added:

Having noticed the defect of ——— or the defects (stating all defects which may be noted), I suspend the record requested and I return the instrument so that within the period of ——— the parties may correct the defects mentioned, should they be able to do so, making this cautionary notice in the meantime at the verbal request of the person interested. (Date, signature, and fees.)

ART. 130. When a cautionary notice is ordered to be made by a mandate, and it can not be effected for some good reason, it shall be made in the same manner as the decreed notice would have been, with the only difference that, instead of making the entry, a statement shall be entered to the effect that the entry of the notice has been ordered. After the conformity has been stated, mention shall be made of the defect found, that the notice ordered is suspended, and that an entry of suspension is made.

To permit the entries of suspension to be made, the verbal request of any interested person shall not be necessary when the question is of attachments for criminal causes, or when the State is interested therein.

TITLE IV.

CANCELLATION OF THE RECORD AND ENTRY OF CAUTIONARY NOTICES.

ART. 131. Realty which is the subject of a record shall be considered as extinguished for the intents and purposes of No. 1 of Article 79 of the law, if it disappears completely on account of natural accident, ordinary or extraordinary, such as the force of rivers, change of their beds, ruin of the buildings erected on ground belonging to another person, or other similar events.

ART. 132. A recorded property right shall be considered as extinguished for the intents and purposes of No. 2 of said Article 79:

First. When the recorded property right in realty no longer exists, either on account of the renunciation of the person in whose favor it stands, or by mutual agreement between the interested persons, as would happen if the owner of a dominant estate renounce his servitude, or a creditor his mortgage, or if a grantee of an annuity (censo) should agree with the grantor of an annuity (censo) to free one estate from the annuity (censo) to place it on another.

Second. Also when some recorded property right ceases to exist either by operation of law, as in the case of a legal mortgage when the reason therefor ceases, or by the natural operation of a contract which gave rise to the record, as in the case of a mortgage when the mortgagor pays his debt, in annuities (censos) when the person paying them redeems the same, in leases when their term has expired, and in other analogous cases.

Third. When the judicial sale of an estate has taken place, and the first mortgagee having been paid from the proceeds, no balance remains to be applied to the payment of subsequently recorded creditors, in accordance with the provisions contained in Article 125 of the law.

ART. 133. Cancellations which are made because some instruments have been declared null, shall be effective without prejudice to the provisions contained in Article 34 of the law.

ART. 134. The realty which is the object of the record shall be understood as reduced for the intents and purposes of No. 1 of Article 80 of the law, whenever its extension or proportions are actually diminished, either naturally, such as by the accidents mentioned in Article 131, or by the will of the owner, as when the latter divides his estate, alienating a part thereof.

ART. 135. The recorded right of the owner of the encumbered estate shall be considered diminished for the intents and purposes of No. 2 of said Article 80:

First. When the amount of said right is diminished by the renunciation of the interested person, or by agreement between the parties, as when the mortgagee consents to reduce his mortgage to a part of the mortgaged realty, or if the beneficiary renounces a part of the estate subject to a use, or if the grantee of the annuity (censo) limits the annuity (censo) to a part of the estate encumbered thereby.

Second. When the amount of the right recorded is diminished by the natural operation of the contract which is the subject of the record, as happens when the mortgagor pays a part of his debt, making it appear in due form, or when the person paying the annuity (censo) redeems a part of the principal thereof, or when, in a use for life created for two or more lives, one of the beneficiaries dies.

Third. When the amount of the right is diminished by virtue of a judicial decree, as happens whenever a specific part of the instrument, by virtue of which the record was made, is nullified.

ART. 136. The same instrument by virtue of which the record of an obligation was made shall be a sufficient document to cancel it, if it appears therefrom, or from any other document which is prima facie evidence, that said obligation has ceased to exist or has been extinguished.

A new instrument for a cancellation shall only be necessary, in accordance with the first paragraph of Article 82 of the law, when, the obligation having been extinguished by the will of the interested persons, this circumstance must be proved to permit of the cancellation of the record.

ART. 137. By virtue of the provisions contained in the second paragraph of Article 82 of the law, cancellation of records, the existence of which are not subject to the will of the persons interested therein, shall be made in accordance with the following rules:

First. The record of a mortgage on a right of use shall be canceled at the instance of the owner of the real estate, by the simple presentation of the document, which is prima facie evidence of the termination of said use by an act against the will of the beneficiary.

Second. When, by virtue of the preference mentioned in No. 4 of Article 107 of the law, in favor of the first mortgage creditor, the encumbered estate or right is judicially alienated, the records of debts in favor of second or subsequent creditors shall be canceled at the instance of the person who becomes the owner of the encumbered

realty or right, by the simple presentation of a mandate ordering the cancellation, which should contain a statement that the selling price was not sufficient to cover the debt of the first, or that the balance, should there have been any, was used for the benefit of subsequent creditors.

Third. Records of mortgages created on works, the operation of which is granted by the Government, and to which reference is made in number 6 of Article 107 above mentioned, shall be canceled, if the right of the owner of the concession is declared extinguished, by virtue of the same instrument from which the fact appears, and of the document which shows that the amount of the indemnity which the owner of the concession is to receive, in a proper case, to apply to the payment of recorded mortgages, is stated in due form.

Fourth. The record of submortgages treated of in number 8 of Article 107 of the law, created without the formalities established by Article 152 of said law for the assignment of mortgage credits, and those of this class embraced in Article 154, may be canceled by virtue of the instrument fixing the right of the submortgagor or assignor.

Fifth. Records of mortgages created on property in litigation, mentioned in number 10 of said Article 107, may be canceled with regard to the whole or a part of the estate or right by the mere presentation of the decree issued, if the mortgagor has lost the suit.

Sixth. Records of sales of property subject to conditions subsequent, or involving rescission, and records of the creation of property rights to the same property, may be canceled if the reason for the rescission or nullity is recorded, by the presentation of the document proving that the former has been rescinded or annulled and that the value of the property or the amount of the installments which must be returned with any proper deductions have been deposited in the Public Depository (Caja de Depósitos) or in any other similar public institution established for this purpose.

The provisions contained in this article are to be understood without prejudice to the privilege of the interested persons to bring any proceedings before the Courts, which they may consider of assistance to them.

ART. 138. In order that the purchasers of public lands, after all the payments thereon have been liquidated, may cancel the mortgages created on the estates, to secure the purchase price, they shall request a certificate of their total solvency from the proper office of the Interior Department, showing the receipts and bills of sale for this purpose.

After the receipts have been compared with the proper books, a certificate shall immediately be issued describing the estates and stating that all payments have been made, together with the day on which each one was paid into the Treasury.

In the certificate mentioned there shall also be clearly and definitely stated that, in the name of the State, the proper Chief of the Interior Department consents to the cancellation of the mortgage which existed

ART. 134. The realty which is the object of the record shall be understood as reduced for the intents and purposes of No. 1 of Article 80 of the law, whenever its extension or proportions are actually diminished, either naturally, such as by the accidents mentioned in Article 131, or by the will of the owner, as when the latter divides his estate, alienating a part thereof.

ART. 135. The recorded right of the owner of the encumbered estate shall be considered diminished for the intents and purposes of No. 2 of said Article 80:

First. When the amount of said right is diminished by the renunciation of the interested person, or by agreement between the parties, as when the mortgagee consents to reduce his mortgage to a part of the mortgaged realty, or if the beneficiary renounces a part of the estate subject to a use, or if the grantee of the annuity (censo) limits the annuity (censo) to a part of the estate encumbered thereby.

Second. When the amount of the right recorded is diminished by the natural operation of the contract which is the subject of the record, as happens when the mortgagor pays a part of his debt, making it appear in due form, or when the person paying the annuity (censo) redeems a part of the principal thereof, or when, in a use for life created for two or more lives, one of the beneficiaries dies.

Third. When the amount of the right is diminished by virtue of a judicial decree, as happens whenever a specific part of the instrument, by virtue of which the record was made, is nullified.

ART. 136. The same instrument by virtue of which the record of an obligation was made shall be a sufficient document to cancel it, if it appears therefrom, or from any other document which is prima facie evidence, that said obligation has ceased to exist or has been extinguished.

A new instrument for a cancellation shall only be necessary, in accordance with the first paragraph of Article 82 of the law, when, the obligation having been extinguished by the will of the interested persons, this circumstance must be proved to permit of the cancellation of the record.

ART. 137. By virtue of the provisions contained in the second paragraph of Article 82 of the law, cancellation of records, the existence of which are not subject to the will of the persons interested therein, shall be made in accordance with the following rules:

First. The record of a mortgage on a right of use shall be canceled at the instance of the owner of the real estate, by the simple presentation of the document, which is prima facie evidence of the termination of said use by an act against the will of the beneficiary.

Second. When, by virtue of the preference mentioned in No. 4 of Article 107 of the law, in favor of the first mortgage creditor, the encumbered estate or right is judicially alienated, the records of debts in favor of second or subsequent creditors shall be canceled at the instance of the person who becomes the owner of the encumbered

realty or right, by the simple presentation of a mandate ordering the cancellation, which should contain a statement that the selling price was not sufficient to cover the debt of the first, or that the balance, should there have been any, was used for the benefit of subsequent creditors.

Third. Records of mortgages created on works, the operation of which is granted by the Government, and to which reference is made in number 6 of Article 107 above mentioned, shall be canceled, if the right of the owner of the concession is declared extinguished, by virtue of the same instrument from which the fact appears, and of the document which shows that the amount of the indemnity which the owner of the concession is to receive, in a proper case, to apply to the payment of recorded mortgages, is stated in due form.

Fourth. The record of submortgages treated of in number 8 of Article 107 of the law, created without the formalities established by Article 152 of said law for the assignment of mortgage credits, and those of this class embraced in Article 154, may be canceled by virtue of the instrument fixing the right of the submortgagor or assignor.

Fifth. Records of mortgages created on property in litigation, mentioned in number 10 of said Article 107, may be canceled with regard to the whole or a part of the estate or right by the mere presentation of the decree issued, if the mortgagor has lost the suit.

Sixth. Records of sales of property subject to conditions subsequent, or involving rescission, and records of the creation of property rights to the same property, may be canceled if the reason for the rescission or nullity is recorded, by the presentation of the document proving that the former has been rescinded or annulled and that the value of the property or the amount of the installments which must be returned with any proper deductions have been deposited in the Public Depository (Caja de Depósitos) or in any other similar public institution established for this purpose.

The provisions contained in this article are to be understood without prejudice to the privilege of the interested persons to bring any proceedings before the Courts, which they may consider of assistance to them.

ART. 138. In order that the purchasers of public lands, after all the payments thereon have been liquidated, may cancel the mortgages created on the estates, to secure the purchase price, they shall request a certificate of their total solvency from the proper office of the Interior Department, showing the receipts and bills of sale for this purpose.

After the receipts have been compared with the proper books, a certificate shall immediately be issued describing the estates and stating that all payments have been made, together with the day on which each one was paid into the Treasury.

In the certificate mentioned there shall also be clearly and definitely stated that, in the name of the State, the proper Chief of the Interior Department consents to the cancellation of the mortgage which existed

ART. 134. The realty which is the object of the record shall be understood as reduced for the intents and purposes of No. 1 of Article 80 of the law, whenever its extension or proportions are actually diminished, either naturally, such as by the accidents mentioned in Article 131, or by the will of the owner, as when the latter divides his estate, alienating a part thereof.

ART. 135. The recorded right of the owner of the encumbered estate shall be considered diminished for the intents and purposes of No. 2 of said Article 80:

First. When the amount of said right is diminished by the renunciation of the interested person, or by agreement between the parties, as when the mortgagee consents to reduce his mortgage to a part of the mortgaged realty, or if the beneficiary renounces a part of the estate subject to a use, or if the grantee of the annuity (censo) limits the annuity (censo) to a part of the estate encumbered thereby.

Second. When the amount of the right recorded is diminished by the natural operation of the contract which is the subject of the record, as happens when the mortgagor pays a part of his debt, making it appear in due form, or when the person paying the annuity (censo) redeems a part of the principal thereof, or when, in a use for life created for two or more lives, one of the beneficiaries dies.

Third. When the amount of the right is diminished by virtue of a judicial decree, as happens whenever a specific part of the instrument, by virtue of which the record was made, is nullified.

ART. 136. The same instrument by virtue of which the record of an obligation was made shall be a sufficient document to cancel it, if it appears therefrom, or from any other document which is prima facie evidence, that said obligation has ceased to exist or has been extinguished.

A new instrument for a cancellation shall only be necessary, in accordance with the first paragraph of Article 82 of the law, when, the obligation having been extinguished by the will of the interested persons, this circumstance must be proved to permit of the cancellation of the record.

ART. 137. By virtue of the provisions contained in the second paragraph of Article 82 of the law, cancellation of records, the existence of which are not subject to the will of the persons interested therein, shall be made in accordance with the following rules:

First. The record of a mortgage on a right of use shall be canceled at the instance of the owner of the real estate, by the simple presentation of the document, which is prima facie evidence of the termination of said use by an act against the will of the beneficiary.

Second. When, by virtue of the preference mentioned in No. 4 of Article 107 of the law, in favor of the first mortgage creditor, the encumbered estate or right is judicially alienated, the records of debts in favor of second or subsequent creditors shall be canceled at the instance of the person who becomes the owner of the encumbered

realty or right, by the simple presentation of a mandate ordering the cancellation, which should contain a statement that the selling price was not sufficient to cover the debt of the first, or that the balance, should there have been any, was used for the benefit of subsequent creditors.

Third. Records of mortgages created on works, the operation of which is granted by the Government, and to which reference is made in number 6 of Article 107 above mentioned, shall be canceled, if the right of the owner of the concession is declared extinguished, by virtue of the same instrument from which the fact appears, and of the document which shows that the amount of the indemnity which the owner of the concession is to receive, in a proper case, to apply to the payment of recorded mortgages, is stated in due form.

Fourth. The record of submortgages treated of in number 8 of Article 107 of the law, created without the formalities established by Article 152 of said law for the assignment of mortgage credits, and those of this class embraced in Article 154, may be canceled by virtue of the instrument fixing the right of the submortgagor or assignor.

Fifth. Records of mortgages created on property in litigation, mentioned in number 10 of said Article 107, may be canceled with regard to the whole or a part of the estate or right by the mere presentation of the decree issued, if the mortgagor has lost the suit.

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After the receipts have been compared with the proper books, a certificate shall immediately be issued describing the estates and stating that all payments have been made, together with the day on which each one was paid into the Treasury.

In the certificate mentioned there shall also be clearly and definitely stated that, in the name of the State, the proper Chief of the Interior Department consents to the cancellation of the mortgage which existed

on the estate until its entire solvency from the responsibilities contracted by the purchaser.

The certificate shall be delivered to the purchaser without delay, the receipts and the instruments being returned to him at once, after a memorandum has been made on the latter stating that the certificate had been issued, and also its contents.

ART. 139. Registers shall not cancel any record of a legal mortgage made by a mandate of a Judge or Court, except by virtue of another mandate.

Judges or Courts shall not order said cancellations until the extinction of the responsibility secured by the mortgage has been proven to them, or the fulfillment of the formalities which may be necessary in accordance with the law, according to the cases, to alienate, encumber, or release mortgaged realty.

If a legal mortgage has been recorded without a judicial mandate, the Register shall not cancel or make any other entry by virtue of which it would be legally canceled, unless the public instrument presented for this purpose shows that the formalities mentioned in the preceding paragraph have been complied with.

ART. 140. Cancellations of cautionary notices shall be proper:

First. When, by virtue of a final decree, against which no appeal in cassation has been brought, the defendant is released from the claim to ownership, which had been entered in accordance with the first paragraph of Article 42 of the law.

Second. When the plaintiff abandons the suit or withdraws therefrom by presenting to the Register a decree showing that either of these steps has been taken.

Third. When in the summary action for possession, or criminal or compulsory proceeding, the attachment is ordered to be set aside, or the estate entered is conveyed or awarded in payment.

Fourth. When the sequestration, or the prohibition to convey, is ordered raised.

Fifth. When the action brought for the purpose of obtaining any of the decrees mentioned in number 4 of Article 2 of the law, has been finally refused.

Sixth. When a declaration of insolvency or bankruptcy is refused or rendered ineffective.

Seventh. With regard to the use by virtue of widowhood, when the widowed spouse makes the right effective in any of the forms established by Article 838 of the Civil Code.

Eighth. When a legatee collects his legacy.

Ninth. When an agricultural creditor has been paid.

Tenth. When a notice is converted into a definite record in favor of the same person in whose name it had been created, or his legal attorney.

Eleventh. When the notice becomes ineffective by virtue of the expiration of the period mentioned in Articles 86, 92, and 96 of the law.

Twelfth. When the person in whose favor the entry has been created renounces his right, should he have the legal capacity to do so.

ART. 141. The renunciation treated of in the last paragraph of the preceding article shall be made by virtue of a public instrument, if the obligation recorded or entered which it is desired to cancel has been created in a similar manner. If the record or entry has been created by virtue of a judicial decree, the renunciation must be made by a petition in writing, addressed to, and ratified before the same Judge or Court which issued the decree.

If it is desired to cancel a cautionary notice created by virtue of a petition addressed to the Register by the persons interested or by their legal representatives, it shall be sufficient that they present another to him, setting forth their renunciation, and requesting the cancellation. In such cases the Register shall require that the renunciation be ratified in his presence, and shall assure himself as to the identity of the person and as to his capacity to exercise the right in question.

ART. 142. A cautionary notice may be converted into a record when the person in whose favor it has been created definitely acquires the right entered.

This conversion shall take place by means of a record referring to the entry itself, stating:

First. The date, folio, and letter of the cautionary notice.

Second. Its reason and object.

Third. The manner in which the right entered was acquired and the name of the person in whose name the entry was made.

Fourth. The details necessary for records, prescribed by numbers 3, 6, 7, and 8 of Article 9 of the law.

ART. 143. When a third person acquires the right entered in such manner that the latter is thereby legally extinguished, the record must be made in the name of the grantee, if it is proper, in the same manner as other entries, but stating the reason therein, and also that the cautionary notice is thereby canceled.

After the cancellation has been made, it shall be so stated by a note in the margin of the canceled entry.

ART. 144. If after an estate has been alienated, or an annuity (censo) has been redeemed, and the corresponding instrument executed, the sale or redemption is rescinded or annulled by an administrative decision, the public administration shall be requested to demand that a cautionary notice of this decision be made, presenting a certificate thereof in duplicate, which must also state the conditions necessary for an entry, according to Article 72 of the law.

If the period has elapsed within which, according to the provisions in force, the person interested may bring an action against these decisions by means of administrative actions, without his doing so, the Director of the branch having jurisdiction of the estate or right, shall procure the record of ownership in favor of the State or of the corporation to which it belongs, if it is to remain for amortization; and

the cancellation of the record of the annulled contract only when said estate or right is to be alienated in accordance with law.

A legacy shall be considered as demandable for the intents and purposes of number 7 of Article 82 of the law, when its immediate payment or delivery can be legally demanded for either because the time has elapsed, or the conditions to which it was subject have been complied with, or because there exists no legal obstacle preventing or delaying said payment or delivery.

Legacies consisting of annuities, censes, or periodical incomes, shall be considered as demandable from the time an action can be brought for the collection of the first annuity, censo, or income.

ART. 146. The mortgage treated of in Articles 88, 89, and 90 of the law, must be created by the proper partition against the person to whom the realty encumbered by the annuity has been awarded, and in default thereof, in the public instrument executed by the grantee of the annuity and the encumbered legatee or heir; or, should the latter not come to an agreement as to the manner of creating said obligation, by virtue of a decree.

When a testamentary action has been brought, this question shall be proceeded with and decided as an interlocutory matter. When such action has not been instituted, the question shall be decided in a declaratory suit.

ART. 147. Registers shall officially cancel entries made on account of the suspension of judicial mandates as soon as they become extinct, because the time fixed in Article 96 of the law for the duration of these entries has elapsed.

For the extension of the time of the entry in the case mentioned in Article 96 of the law, the interested person shall present a petition to the Judge or Court, stating the reason why he was not able to correct the defect which caused the suspension of the record, and accompanying thereto the written proofs justifying his right. The Judge or Court shall give a copy of the petition to the other interested person, and, if the latter should not agree to it, he shall hold an oral trial in accordance with the provisions prescribed in Article 57 of the law.

If the Judge or Court consider the defect as capable of correction, and the reason adduced by the plaintiff be duly proved, he shall order such extension; otherwise refusing it.

The extension shall be entered in the Registry by means of a new notice. In order that it may be effective, it is necessary that the mandate ordering it be presented in the Registry before the first period of sixty days has elapsed.

ART. 148. The provisions contained in Article 77, regarding the determination made by Registers as to the legality of instruments, by virtue of which the records are demanded, shall also be applicable to the determination made by them of instruments by virtue of which cancellations are to be made, in accordance with the provisions contained in Article 100 of the law.

ART. 149. When a Register suspends the cancellation of a record or of an entry, either because he has determined the document presented for this purpose as insufficient, or because he is in doubt as to the competency of the Judge or Court which has ordered it, in accordance with the provisions contained in Articles 100 and 101 of the law, he shall enter this circumstance by means of a cautionary notice, if it is requested, in which shall be stated the record or cancellation requested, the document presented for this purpose, its date, the date of its presentation, and the reason for the suspension.

ART. 150. The notice mentioned in the preceding Article shall be officially canceled by the Register:

First. In the case of Article 100 of the law, sixty days after its date, if the defect contained in the document which caused the entry of the notice has not been corrected before then.

Second. In the case of Article 101 of the same law, when the incompetency of the Judge or Court ordering the cancellation is declared by final judgment, if within the thirty days following the date of said declaration no decree from a competent Judge or Court is presented in the Registry, by which said cancellation is ordered.

ART. 151. Whenever the suspended cancellation is made before the cancellation of the entry of suspension, the cancellation shall be effective from the date of said suspension.

The cancellation in the latter case shall make special reference to the entry mentioned.

ART. 152. When a Register suspends a cancellation because he is in doubt as to the competency of the Judge or Court which ordered it, he shall give notice thereof in writing to the person interested, so that, should he desire to do so, he may appear before the President of the Audiencia within the period of ten days, presenting the document by virtue of which said cancellation has been requested.

ART. 153. Should the President deem any other data from the Register necessary to make a decision, he shall request it of said Register, and shall decide what is proper without further proceedings.

The decision rendered shall be communicated to the Register by means of the proper order, and the person interested shall be notified in the usual manner.

ART. 154. When the interested persons or the Judges appeal to the Audiencia from the decision of the President, the Government Division thereof shall take cognizance of the question, hearing the plaintiff in writing once only, after receiving a report from the Register, and requesting that the documents it may consider necessary, be furnished.

ART. 155. When the cancellation is a partial one, it shall clearly indicate the part of the right extinguished, the part of the estate remaining, as well as the reason for its reduction.

ART. 156. When an entry is canceled, so that the right entered may be merged in the ownership of the person who had previously recorded

it in his favor in an unencumbered condition, a statement of this fact shall be made in the cancellation.

ART. 157. The cancellation shall be entered in the proper book and place, according to its date, and shall state:

First. The number of the record canceled.

Second. The document by virtue of which the cancellation was made, stating, if it is an instrument, the names of the parties thereto, that of the Notary before whom it was executed, and its date; if it is a written petition, the names of the signers, the date, the fact that said signatures have been ratified in the presence of the Register, a clause stating that said persons are personally known, and that, according to the Registry, none of them has lost the right accorded him the by canceled record; if it is a judicial decree, the name of the Judge or Court which issued it, its date, and the name of the Secretary who certified it.

Third. The day and hour of the presentation of the instrument, petition, mandate, or judicial order by virtue of which the cancellation is made in the Registry, with a reference to the proper entry of presentation.

Fourth. A statement to the effect that the document presented has been filed in the proper package.

Fifth. The date of the cancellation.

Sixth. The signature of the Register.

When an instrument of cancellation is to be recorded in several Registries, the original shall be presented in all of them, and at the foot thereof the Registers, in their proper order, shall make the necessary memorandum.

The interested person, in presenting the instrument to each Registry, shall accompany thereto an ordinary copy of the same, executed on common paper, which shall be compared by the Register, and if it is a true copy, he shall state at the foot thereof, *In conformity with the original presented*, then the date, and under the latter the person presenting the document shall sign, or a witness, if the latter should not be able to do so, said copy being filed.

ART. 158. Of all cancellations made, the Register shall make a note at the margin of the record or entry canceled, worded in the following manner:

The adjoining record (or entry) is canceled, number ——, in volume ——— of this Registry, folio ———, entry number ——. (Date and surname of the Register.)

ART. 159. Whenever there is litigation concerning the inefficiency of some cancellation, the provisions regarding records mentioned in Articles 88 and 89 of these regulations shall be observed.

A note of the suit brought concerning the inefficiency shall be placed in the margin of the cancellation involved and in that of the other entries in which reference to said cancellation was made.

TITLE V.

MORTGAGES.

SECTION ONE.

MORTGAGES IN GENERAL.

ART. 160. Recorded mortgages shall be strictly charges on realty, the mortgage debts being collectible no matter what subsequent interest has been acquired on the same mortgaged property.

ART. 161. As, according to number 5 of Article 111 of the law, there are considered as mortgaged the indemnities allowed or due the owner of the mortgaged property for the insurance of the latter or of the crops, or on account of the condemnation of the lands or buildings, woodlands or other things situated on the same, if said indemnities are paid before the mortgage falls due, their amount shall be deposited in the manner agreed to between the persons interested; and should they not come to an agreement, in the public institution designated by the Judge or Court, until the obligation is canceled.

ART. 162. The owner of the accessions and improvements which are not considered mortgaged, according to the first paragraph of Article 112 of the law, who chooses to collect the amount, according to Article 113, in case the estate is alienated, shall be paid in full from the proceeds of the sale thereof, even though the balance is not sufficient to pay the mortgage debt. But if the accessions or improvements may be separated without damage to the estate, and the owner choose, however, not to take them away, they shall be alienated apart from the estate, and only the price thereof shall be turned over to said owner.

ART. 163. In the case of a sale mentioned in the second paragraph of Article 112 of the law, the instrument executed for this purpose shall state as precisely as possible that the part of the land sold does not contain any machine, chattel, object, or construction of any kind whatsoever, also briefly mentioning the prior encumbrances on the estate and on said part of the land. In the proper record in the Registry of the new estate formed by this part of the land, express mention shall be made of these statements in the instrument, the Register refusing said record if it appears from a prior one that the statements made are incorrect.

The error shall not be capable of correction if, according to the information contained in the Registry, the land sold contains any of the additions mentioned in the second paragraph of Article 112 of the law.

The record of the sale shall be communicated to prior mortgagees, in the manner prescribed in Article 167 of these regulations, so that within the period of thirty days, which can not be extended, they may question the correctness of the facts recited in the proper action.

ART. 164. Registers shall not record any mortgage on various properties subject to the same obligation, unless by agreement between the

parties, or by virtue of a judicial decree in a proper case, the amount of preliminary liens for which each estate is to be liable.

The parties may agree to the distribution mentioned in the preceding article, in the same instrument which should be recorded, or in any other public instrument or petition directed to the Registrar, and signed or ratified before him by the interested persons.

The record in these cases shall be made in the manner prescribed by article 252 of these regulations.

ART. 165. The provisions contained in the preceding article shall not be applicable to ordinary notices except when they are converted into definite mortgage records and encumber various properties.

The ordinary notice of various estates shall be entered in the special Registry for each estate, stating also the amount of the debt or obligation for which said estate is liable.

ART. 166. When the mortgaged estate deteriorates, the value diminishing through the imprudence, fault or will of the owner, the mortgagee may request the Judge of the subdistrict in which said estate is situated to admit the proofs of these facts: and if their correctness is proven, and the fear that the mortgage is insufficient shall appear well founded, a decree shall be issued ordering the owner to do or not to do what shall appear necessary in order to avoid or remedy the damage.

If afterwards the owner should insist in abusing his right, the Judge shall issue another decree placing the property under judicial administration.

ART. 167. Whenever Registers, in compliance with the provisions contained in Article 125 of the law, cancel any debts subsequent to the first, because the sale or award of the property in payment of the debt has taken place, he shall communicate the fact of the cancellation and the reasons therefor to the persons who may have the other recorded debts in their favor, so that they may make use of the rights against the debtor, mentioned in the last paragraph of Article 125 of the law.

Said notice shall be made by means of an official document (cedula), charging therefor the fees contained in the judicial schedules of fees for Clerks of Courts of First Instance in the preparation of administrative documents, if the owners of the debts or their legal representatives reside within the jurisdiction of the Registry.

Should they reside outside of said jurisdiction, or should their residence be unknown, the proper announcement of the notice shall be posted in the Registry, said notice being considered served after sixty days have elapsed.

ART. 168. If a mortgage debt or its interest has fallen due, in whole or in part, the proceedings for its collection, in so far as they are directed against the property encumbered by the mortgage only, shall be subject to the provisions contained in Article 128 of the law and the following articles and those of these regulations, complemented in the manner

prescribed therein by the law of Civil Procedure for Cuba, Puerto Rico, and the Philippines, respectively.

ART. 169. The following must be presented with the first document drawn in the proceedings:

First. The proofs of the identity of the person, including those which show the appointment of the solicitor (procurador), when the creditor himself personally, or his legal representative, does not take part therein.

Second. The instrument or instruments of the credit, with a memorandum of their record, and with the formalities required by the law of Civil Procedure for authorizing a writ of execution.

Third. A certificate of the Register of property, of a date subsequent to that on which the obligation fell due, declaring that the mortgage does not appear canceled, nor that its cancellation is imminent according to the Day Book. This certificate should also contain a literal copy of the records of any other annuities (censos), mortgages, and other incumbrances affecting the mortgaged estates as well as of the transfer of said estates to third persons.

This certificate can not date back more than fifteen days before the institution of the proceedings.

The document referred to in this article, which shall be always authorized by the signature of a lawyer, shall detail the facts and legal reasons, showing that the debt was incurred and exists, and that it is recoverable, and also the competency of the Court; it shall expressly state the exact amounts collected by way of interest, or on account of the principal of the debt, stating also the net amount of the claim, which, by the mere act of instituting the proceedings, the creditor will contract, making himself liable to indemnify any loss or damage caused the debtor or third persons interested therein, by malice or negligence in the true statement of facts and of the circumstances, which the Judge has to take into consideration to authorize the proceedings and to continue them.

ART. 170. The Judge shall examine the petition and the documents upon which it is based, and should he consider the legal requisites complied with, he shall issue a decree without further proceedings, summoning the persons who, according to the certificate of the Register, are in possession of the mortgaged property, whether it is in the hands of the debtor, or whether it has been transferred to a third person in whole or in part, so that within thirty days they may make the payment of the sum sued for, with costs, should the latter be also guaranteed by the mortgage; otherwise there shall be a public sale of the mortgaged property.

Should the Judge consider that said requisites have not been complied with, he shall also refuse the demand requested by means of a decree, which in this case shall be appealable for review and also to stay proceedings.

ART. 134. The realty which is the object of the record shall be understood as reduced for the intents and purposes of No. 1 of Article 80 of the law, whenever its extension or proportions are actually diminished, either naturally, such as by the accidents mentioned in Article 131, or by the will of the owner, as when the latter divides his estate, alienating a part thereof.

ART. 135. The recorded right of the owner of the encumbered estate shall be considered diminished for the intents and purposes of No. 2 of said Article 80:

First. When the amount of said right is diminished by the renunciation of the interested person, or by agreement between the parties, as when the mortgagee consents to reduce his mortgage to a part of the mortgaged realty, or if the beneficiary renounces a part of the estate subject to a use, or if the grantee of the annuity (censo) limits the annuity (censo) to a part of the estate encumbered thereby.

Second. When the amount of the right recorded is diminished by the natural operation of the contract which is the subject of the record, as happens when the mortgagor pays a part of his debt, making it appear in due form, or when the person paying the annuity (censo) redeems a part of the principal thereof, or when, in a use for life created for two or more lives, one of the beneficiaries dies.

Third. When the amount of the right is diminished by virtue of a judicial decree, as happens whenever a specific part of the instrument, by virtue of which the record was made, is nullified.

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First. The record of a mortgage on a right of use shall be canceled at the instance of the owner of the real estate, by the simple presentation of the document, which is prima facie evidence of the termination of said use by an act against the will of the beneficiary.

Second. When, by virtue of the preference mentioned in No. 4 of Article 107 of the law, in favor of the first mortgage creditor, the encumbered estate or right is judicially alienated, the records of debts in favor of second or subsequent creditors shall be canceled at the instance of the person who becomes the owner of the encumbered

realty or right, by the simple presentation of a mandate ordering the cancellation, which should contain a statement that the selling price was not sufficient to cover the debt of the first, or that the balance, should there have been any, was used for the benefit of subsequent creditors.

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Fifth. Records of mortgages created on property in litigation, mentioned in number 10 of said Article 107, may be canceled with regard to the whole or a part of the estate or right by the mere presentation of the decree issued, if the mortgagor has lost the suit.

Sixth. Records of sales of property subject to conditions subsequent, or involving rescission, and records of the creation of property rights to the same property, may be canceled if the reason for the rescission or nullity is recorded, by the presentation of the document proving that the former has been rescinded or annulled and that the value of the property or the amount of the installments which must be returned with any proper deductions have been deposited in the Public Depository (Caja de Depósitos) or in any other similar public institution established for this purpose.

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A new instrument for a cancellation shall only be necessary, in accordance with the first paragraph of Article 82 of the law, when, the obligation having been extinguished by the will of the interested persons, this circumstance must be proved to permit of the cancellation of the record.

ART. 137. By virtue of the provisions contained in the second paragraph of Article 82 of the law, cancellation of records, the existence of which are not subject to the will of the persons interested therein, shall be made in accordance with the following rules:

First. The record of a mortgage on a right of use shall be canceled at the instance of the owner of the real estate, by the simple presentation of the document, which is prima facie evidence of the termination of said use by an act against the will of the beneficiary.

Second. When, by virtue of the preference mentioned in No. 4 of Article 107 of the law, in favor of the first mortgage creditor, the encumbered estate or right is judicially alienated, the records of debts in favor of second or subsequent creditors shall be canceled at the instance of the person who becomes the owner of the encumbered

realty or right, by the simple presentation of a mandate ordering the cancellation, which should contain a statement that the selling price was not sufficient to cover the debt of the first, or that the balance, should there have been any, was used for the benefit of subsequent creditors.

Third. Records of mortgages created on works, the operation of which is granted by the Government, and to which reference is made in number 6 of Article 107 above mentioned, shall be canceled, if the right of the owner of the concession is declared extinguished, by virtue of the same instrument from which the fact appears, and of the document which shows that the amount of the indemnity which the owner of the concession is to receive, in a proper case, to apply to the payment of recorded mortgages, is stated in due form.

Fourth. The record of submortgages treated of in number 8 of Article 107 of the law, created without the formalities established by Article 152 of said law for the assignment of mortgage credits, and those of this class embraced in Article 154, may be canceled by virtue of the instrument fixing the right of the submortgagor or assignor.

Fifth. Records of mortgages created on property in litigation, mentioned in number 10 of said Article 107, may be canceled with regard to the whole or a part of the estate or right by the mere presentation of the decree issued, if the mortgagor has lost the suit.

Sixth. Records of sales of property subject to conditions subsequent, or involving rescission, and records of the creation of property rights to the same property, may be canceled if the reason for the rescission or nullity is recorded, by the presentation of the document proving that the former has been rescinded or annulled and that the value of the property or the amount of the installments which must be returned with any proper deductions have been deposited in the Public Depository (Caja de Depósitos) or in any other similar public institution established for this purpose.

The provisions contained in this article are to be understood without prejudice to the privilege of the interested persons to bring any proceedings before the Courts, which they may consider of assistance to them.

Art. 138. In order that the purchasers of public lands, after all the payments thereon have been liquidated, may cancel the mortgages created on the estates, to secure the purchase price, they shall request a certificate of their total solvency from the proper office of the Interior Department, showing the receipts and bills of sale for this purpose.

After the receipts have been compared with the proper books, a certificate shall immediately be issued describing the estates and stating that all payments have been made, together with the day on which each one was paid into the Treasury.

In the certificate mentioned there shall also be clearly and definitely stated that, in the name of the State, the proper Chief of the Interior Department consents to the cancellation of the mortgage which existed

ART. 134. The realty which is the object of the record shall be understood as reduced for the intents and purposes of No. 1 of Article 80 of the law, whenever its extension or proportions are actually diminished, either naturally, such as by the accidents mentioned in Article 131, or by the will of the owner, as when the latter divides his estate, alienating a part thereof.

ART. 135. The recorded right of the owner of the encumbered estate shall be considered diminished for the intents and purposes of No. 2 of said Article 80:

First. When the amount of said right is diminished by the renunciation of the interested person, or by agreement between the parties, as when the mortgagee consents to reduce his mortgage to a part of the mortgaged realty, or if the beneficiary renounces a part of the estate subject to a use, or if the grantee of the annuity (censo) limits the annuity (censo) to a part of the estate encumbered thereby.

Second. When the amount of the right recorded is diminished by the natural operation of the contract which is the subject of the record, as happens when the mortgagor pays a part of his debt, making it appear in due form, or when the person paying the annuity (censo) redeems a part of the principal thereof, or when, in a use for life created for two or more lives, one of the beneficiaries dies.

Third. When the amount of the right is diminished by virtue of a judicial decree, as happens whenever a specific part of the instrument, by virtue of which the record was made, is nullified.

ART. 136. The same instrument by virtue of which the record of an obligation was made shall be a sufficient document to cancel it, if it appears therefrom, or from any other document which is prima facie evidence, that said obligation has ceased to exist or has been extinguished.

A new instrument for a cancellation shall only be necessary, in accordance with the first paragraph of Article 82 of the law, when, the obligation having been extinguished by the will of the interested persons, this circumstance must be proved to permit of the cancellation of the record.

ART. 137. By virtue of the provisions contained in the second paragraph of Article 82 of the law, cancellation of records, the existence of which are not subject to the will of the persons interested therein, shall be made in accordance with the following rules:

First. The record of a mortgage on a right of use shall be canceled at the instance of the owner of the real estate, by the simple presentation of the document, which is prima facie evidence of the termination of said use by an act against the will of the beneficiary.

Second. When, by virtue of the preference mentioned in No. 4 of Article 107 of the law, in favor of the first mortgage creditor, the encumbered estate or right is judicially alienated, the records of debts in favor of second or subsequent creditors shall be canceled at the instance of the person who becomes the owner of the encumbered

realty or right, by the simple presentation of a mandate ordering the cancellation, which should contain a statement that the selling price was not sufficient to cover the debt of the first, or that the balance, should there have been any, was used for the benefit of subsequent creditors.

Third. Records of mortgages created on works, the operation of which is granted by the Government, and to which reference is made in number 6 of Article 107 above mentioned, shall be canceled, if the right of the owner of the concession is declared extinguished, by virtue of the same instrument from which the fact appears, and of the document which shows that the amount of the indemnity which the owner of the concession is to receive, in a proper case, to apply to the payment of recorded mortgages, is stated in due form.

Fourth. The record of submortgages treated of in number 8 of Article 107 of the law, created without the formalities established by Article 152 of said law for the assignment of mortgage credits, and those of this class embraced in Article 154, may be canceled by virtue of the instrument fixing the right of the submortgagor or assignor.

Fifth. Records of mortgages created on property in litigation, mentioned in number 10 of said Article 107, may be canceled with regard to the whole or a part of the estate or right by the mere presentation of the decree issued, if the mortgagor has lost the suit.

Sixth. Records of sales of property subject to conditions subsequent, or involving rescission, and records of the creation of property rights to the same property, may be canceled if the reason for the rescission or nullity is recorded, by the presentation of the document proving that the former has been rescinded or annulled and that the value of the property or the amount of the installments which must be returned with any proper deductions have been deposited in the Public Depository (Caja de Depósitos) or in any other similar public institution established for this purpose.

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After the receipts have been compared with the proper books, a certificate shall immediately be issued describing the estates and stating that all payments have been made, together with the day on which each one was paid into the Treasury.

In the certificate mentioned there shall also be clearly and definitely stated that, in the name of the State, the proper Chief of the Interior Department consents to the cancellation of the mortgage which existed

virtue of a public instrument and recorded in the Registry, as prescribed in Article 146 of the law.

ART. 183. In the instrument creating a mortgage, securing obligations payable to bearer, referred to in the preceding article, the number and total value of the obligations issued, for the security of which the mortgage is created, must be stated, the series to which they belong, the number and face value of each one, the date or dates of their issue, the interest they bear, and other circumstances fixing and determining the kind of instruments and their values, as well as the property mortgaged—that is, whether it is the works or the profits or the entire line, or only of a part thereof. All these circumstances shall be stated in the record, which shall only be recorded in the Registry within the jurisdiction of which the principal point or beginning of the road, canal, or public work is situated, without prejudice to the records which must be made in other Registries, when the mortgage extends to the property referred to in the last portion of Article 72.

ART. 184. It being impossible to designate the name and surname of the person or persons in whose favor the record is made, because the obligations are payable to bearer, a statement shall be made that the instrument is created in favor of the holders of the obligations referred to in the instrument, and the part relating to each obligation.

ART. 185. Before recording the assignment of a mortgage credit, notice thereof shall be given the debtor, unless he has renounced this right in a public instrument, or when it comes within the provisions of Article 153 of the law, by means of a document drafted and signed by the Notary who certified to the instrument, stating therein only the date of the assignment, whether it is total or partial, and in the latter case the amount assigned, and the name, surname, residence, and profession of the assignee. The Notary shall serve this notice or have it served on the debtor.

If the latter can not be found at his residence, the delivery shall be made in the manner prescribed for summons in the first paragraph of Article 268 of the law of Civil Procedure for Cuba and Puerto Rico, and 252 of that for the Philippines.

ART. 186. If the debtor does not reside in the town in which the instrument is executed, the contract shall be recorded and the notice considered as served, but the assignor shall remain under the obligation to make a judicial request that search be made for said debtor, in order to communicate to him the notice referred to, in the manner prescribed in Articles 266, 268, and 269 of the law of Civil Procedure for Cuba and Puerto Rico, and 250, 252, and 253 of that for the Philippines, and under the responsibility established in Article 154 of the Mortgage Law.

ART. 187. Assignments of mortgage rights shall be entered in the Registry by means of a new record in favor of the assignee.

Transfers shall not be entered in the Registry, nor shall it be necessary to notify the mortgagor thereof in the excepted cases mentioned in Article 185.

SECTION THIRD.

LEGAL MORTGAGES.

ART. 188. Every Notary before whom a public instrument is executed involving a right to a legal mortgage in favor of some person shall notify the proper persons, if they take part in the instrument, of the obligation to create it and of the right to demand it, stating in the said instrument that this has been done.

ART. 189. If the person having the right to the legal mortgage is a married woman, a minor child, or a ward, the Notary shall also, by an official communication, notify the Register of the execution of the document, which he shall forward within the period of eight days, and in which he shall make a concise summary of the obligation contracted and of the names, status, and circumstances of the parties thereto.

The Register shall acknowledge its receipt to the Notary.

ART. 190. If the thirty days following the execution of the instruments referred to in the two foregoing articles have elapsed without the corresponding mortgage being created, and this mortgage is one of those which, in accordance with the law, can or must be demanded by persons who have not taken part in the instrument or contract giving rise thereto, the Register shall communicate the fact to said persons, or to the Department of Public Prosecution, in case it is the duty of the latter to exercise said right in accordance with the law.

The Department of Public Prosecution shall acknowledge receipt thereof.

ART. 191. Registers shall submit a report every six months to the President of the Audiencia of the instruments or contracts which have been submitted to the latter, in accordance with Article 189 of these regulations, and which have not produced the corresponding mortgage record, as well as of the steps they may have taken in compliance with the provisions contained in the preceding article.

DOWRY MORTGAGES.

ART. 192. The special mortgage which, according to number 3 of Article 169 of the law, must be created by the husband for the personal property, chattels, money, and other property not mortgageable which is delivered to him by reason of marriage, with the obligation of returning the same or its value, shall be created in the dowry contract itself or in a distinct public instrument.

ART. 193. The record of real estate which forms part of the appraised dowry shall state, in so far as may be applicable, the details required by these regulations for records in general, and in addition, in cases where it is proper to make full records according to the law, the following details:

First. The name of the person creating the dowry and the capacity in which he does so.

Second. A statement that the marriage has been agreed to or has already been celebrated, and, in the latter case, the date of its celebration.

Third. The names, surnames, age, status (whether formerly married or single), and residence of the contracting parties, and the profession of the husband, should it be known.

Fourth. A statement that an appraised dowry has been constituted, and the amount thereof.

Fifth. A statement that a part of said dowry consists in the estate which is the subject of the record.

Sixth. The value given said estate in the appraisement of the dowry, stating whether this was arrived at by mutual agreement or by judicial intervention.

Seventh. The delivery of the dowry to the husband.

Eighth. The conditions stipulated in the marriage contract and which may affect the ownership of the husband in said estate.

Ninth. A statement of the acquisition of ownership by the husband, subject to the laws and special conditions stipulated.

Tenth. A statement that the legal mortgage on the estate has been created and recorded.

ART. 194. The record of the mortgage created by the husband on his real property in favor of the wife, the dowry being appraised, shall state, in so far as relevant, the details required for records of voluntary mortgages; and if full records are proper in accordance with the law, the following shall also be embraced therein:

First. The agreement to marry or the celebration of the marriage, stating the date of one or the other.

Second. The name, surname, residence, age, and previous status (whether married or single) of the wife, should they be known.

Third. A statement of the documents by which the dowry was created, the gifts offered by reason of marriage, by which the delivery to the husband of the dowry, or personal property in addition to the dowry, was made, stating the obligations which have been accepted by each one of the contracting parties in virtue thereof.

Fourth. The name, surname, domicile, and legal representation of the person who created the dowry, stating that the latter is appraised and that the Notary certifies as to its delivery.

Fifth. In case a mortgage is also created on account of gifts offered, or personal property in addition to the dowry delivered, a declaration that one or the other is considered as an increase of the dowry and that the Notary certifies as to the delivery of the personal property in addition to the dowry.

Sixth. The total amount of the dowry, of the personal property in addition to the dowry, and of the gifts, with the total appraised value of property of each kind delivered in payment, real estate, gold and silver ornaments and precious stones; deeds or documents of public

and private credit, personal property, chattels, clothing, and money being considered as different kinds of property.

Seventh. The name, surname, and legal capacity of the person who demanded the dowry mortgage, and, in case it was created by virtue of a judicial decree, the deciding clause thereof, its date, the name of the Judge or Court which issued it, and that of the Clerk who certified it.

Eighth. The acceptance and declaration of the sufficiency of the mortgage and a statement of the amount for which the estate is liable according to the distribution made in accordance with the instrument, among the properties mortgaged, by the person creating the dowry or who demanded said mortgages or who should, in a proper case, decide on the sufficiency of the mortgage; and if judicial proceedings have been instituted in the matter, the judgment rendered, its date, the name of the Judge or Court who issued it, and of the Clerk who certified the same.

ART. 195. When the dowry, or personal property in addition to the dowry, is delivered to the husband unappraised, and its title is recorded in the name of the wife, said delivery shall be recorded by means of a memorandum at the margin of the record referred to, even when it is in the old books, in the following terms:

The estate of this number ——, record number ——, has been delivered to A, as husband of Miss B, unappraised (or appraised at ——— pesetas) by virtue of unappraised dowry, created by C in a public instrument executed in ——— on such a date, before the Notary D ———, or by virtue of personal property in addition to the dowry of said lady and as an increase in the dowry created. (Date and surname.)

ART. 196. The mortgage created by the husband on his own property as security for the return of the personal property or chattels delivered as unappraised dowry, or as personal property in addition to the dowry, or as an increase of the dowry of the same kind, shall be recorded, in accordance with the provisions contained in these regulations for records in general, in the special Registries of the estates on which the mortgage is created.

ART. 197. The records treated of in the preceding article shall contain the details required for entries of appraised dowries, the only difference being a statement of the unappraised character of the same, and that the appraisement was made only for the purpose of fixing the amount for which the estate would be liable in case the property should not be in existence, or could not be returned, at the time of its restitution.

ART. 198. If the unappraised dowry property should not be recorded in favor of the wife at the time of the creation of the dowry mortgage, said record shall be made in her favor in the ordinary form and with the details stated in Article 193 of these regulations, with the exception of the fourth, sixth, ninth, and tenth; but the unappraised character of the dowry shall be mentioned in their place, and that the ownership continues vested in the wife, subject to the laws.

If the record has been made in this manner, the marginal note provided by Article 195 of these regulations shall be omitted.

ART. 199. When the Department of Public Prosecution receives notice of the delivery to the husband of the dowry of a woman who is an orphan or a minor, without the proper mortgage, he owning property on which it can be created, the Department shall appeal to the Judge or Court to compel the husband to create the legal mortgage, proceeding in this case in the manner prescribed in Article 166 of the law.

ART. 200. All dowry instruments must necessarily contain a statement of the mortgage which has been created, or which is about to be created in a separate instrument, or a statement to the effect that the dowry is not secured in this manner, the husband not possessing any mortgagable property. In the latter case, the husband shall formally declare that he does not possess such property, and shall obligate himself to mortgage the first real estate he may acquire, in compliance with the provisions contained in Article 186 of the law.

A wife, being of age, who owns the property which is to be given in dowry, and who has the free disposition thereof, need not insist that the husband obligate himself as established in the preceding paragraph; but in such case she must be notified of her privilege by the Notary, who shall state this fact in the instrument under his responsibility.

MORTGAGES FOR PROPERTY SET APART.

ART. 201. The inventory and appraisement of property set apart, which must be presented to the Inferior Court, according to Articles 190 et seq. of the law for the purpose of creating the proper legal mortgage, shall be those which have been made judicially or extrajudicially, and should neither have been made, those made by the father, the mother, or the ascendant referred to in Article 199 of the law, stating the value of the property appearing by a certified copy of the award of the same to them, and in default thereof by a certificate of the experts, or by the capitalization at the rate commonly used in each place.

ART. 202. The title deeds to be presented by the father, the mother, or the ascendant to prove the ownership of the property which they may offer to mortgage shall be at least those of their last acquisition, with a certificate of the Register from which the ownership of said property and the incumbrances thereon appear.

When the value thereof does not appear from the documents indicated, others constituting prima facie evidence shall be presented which prove said value.

ART. 203. The period of ninety days shall be computed for the presentation of the proceedings referred to in Article 191 of the law, from the time the property was set apart; when the property set apart does not exist at the time of the celebration of the second marriage, or, if it is acquired subsequently, in the case mentioned in Article 980 of the Civil Code, said period shall be computed from the date of its acquisition.

The proceedings referred to in Article 190 of the law, in the case of Article 199, shall be instituted within the ninety days following the date of the acceptance of the inheritance by the person obligated to set apart the property. After this period has elapsed, the institution of said proceedings may be requested by the persons interested, if they are of age, or otherwise by their legal representatives.

ART. 204. After the instrument creating the mortgage has been issued and approved by the Judge, two certified copies thereof and of the decree of approval shall be given the father, mother, or ascendant, so that, both copies being presented in the Registry, the proper records may be made in accordance therewith, one being filed in the Registry and the other returned to the inferior Court with the memorandum of record. If the father, mother, or ascendant refuses to receive said copies or to present them in the Registry, the Judge shall send them officially, ordering that the records be made in virtue thereof.

The Judge shall proceed in the same manner if, thirty days having elapsed from the time said copies have been delivered, the father, the mother or the ascendant does not return one of them to the inferior Court with the memorandum signed by the Register, stating that the mortgage has been recorded.

ART. 205. To enter in the Registry of property that estates have been set apart, a note shall be made at the margin of the proper record of ownership in the following terms:

The estate of this number ——, record number ——, is reserved in favor of Mr. A. and Miss B., children of Mr. and Mrs. D., according to the proceedings instituted in the inferior Court of ———, to determine and secure the property set apart for said children, in which proceedings a decree was issued, creating the mortgage and approved by the Judge, and its copy was presented in this Registry on such a day and hour, according to record number ——, folio ——, volume —— of the Day-book, which I return with the memorandum, stating that it has been recorded. (Date and signature.)

That property has been set apart as referred to in Article 199 of the law shall be stated by means of a similar marginal note, substituting the statement regarding the relationship by the proper one.

ART. 206. The decree creating the mortgage for the security of property set apart shall contain the details required for voluntary mortgages and also the following:

First. The date on which the father or the mother who created said mortgage have contracted a new marriage, or that of the birth of the illegitimate child referred to in Article 980 of the Civil Code; and in a proper case, that of the acceptance of the property by the ascendant.

Second. The name and surname of the deceased spouse, or that of the descendant, in a proper case, and the date of his or her death.

Third. The names and the age of each one of the children or relatives who have a right to have property set apart.

Fourth. The instrument on which said right is based.

Fifth. A statement of the property to be set apart and the value thereof.

Sixth. A statement that the proceedings prescribed by Article 190 of the law have been instituted, and at whose instance, or by Article 165, if the child himself or relative shall have demanded the mortgage.

Seventh. If the Judge has admitted the mortgage but declared its insufficiency, this fact shall be stated, and that the father, the mother, or the ascendant is obligated to mortgage the first realty or property rights he or she may acquire.

The entry of the decree shall be made, with regard to the property reserved, in accordance with the provisions contained in Article 205, and with regard to that mortgaged by the father, the mother, or the ascendant, with the details which a voluntary mortgage must contain and those stated in this article, and a brief statement of the deciding clause of the decree which may have been issued approving the decision, that the latter has been presented to the Registry and is returned with a memorandum of the records which have been made by virtue thereof.

MORTGAGES FOR SECURING THE PROPERTY OF THOSE WHO ARE STILL UNDER PARENTAL AUTHORITY.

ART. 207. The persons who record property belonging to a child of their family, shall state this fact in the same record, and how said property has been acquired.

When this statement is omitted in the record, the persons who have a right, according to the law, to require the father or the mother to create a mortgage for the security of said property, must demand that it be entered by means of a marginal note opposite the record.

ART. 208. A mortgage record shall contain all the details required for a voluntary mortgage, and, besides, the following:

First. The age and status (whether married or single) of the child.

Second. How the property was acquired.

Third. The description of the same and its value, or the value given it for the creation of the mortgage, in the terms fixed in Article 252 of these Regulations.

Fourth. A statement to the effect that said mortgage has been voluntarily created by the father or the mother, or that it has been created by virtue of a decree and judicial proceedings, and at whose instance.

Fifth. The details of number 7 and following paragraph of those embraced in Article 206.

ART. 209. The judicial authority required by the father or mother to convey or encumber the property of the child shall also be necessary to record the instruments or contracts the purpose of which is to extinguish property rights on the estates of said children, such as assignment, renunciation, subrogation, cancellation, redemption, and rights of a similar character.

ART. 210. Notice of the judicial authority given in accordance with the preceding article and of Article 205 of the law shall be communi-

cated to the persons designated in Article 204, and for the purpose mentioned in Article 201.

MORTGAGES BY REASON OF GUARDIANSHIP.

ART. 211. After the amount of the bond of the guardian has been fixed by the family council, and the estates offered in mortgage are considered sufficient by it, the mortgage shall be created by means of the proper public instrument.

ART. 212. The instrument creating the mortgage shall state the following, besides the details required for voluntary mortgages:

First. The name of the guardian and that of the person who may have appointed him.

Second. The character of the guardianship.

Third. The kind of document by virtue of which the appointment was made, and its date.

Fourth. The fact that there has been no remission of bond, or that, notwithstanding its remission, the family council has considered a bond necessary.

Fifth. The amount of the principal, income, and profits of the orphan or incapacitated person, separating the part consisting of real estate from other property.

Sixth. The amount of the bond which may have been required.

Seventh. A report of the estates offered as security, with a statement of the value and incumbrances of each, and of the deed of its last acquisition, and everything referring to deeds of ownership and certificate of the Register and appraisements which may have been presented.

Eighth. Creation of the mortgage for the amount fixed for the bond.

Ninth. A statement of the amount for which each estate is mortgaged, according to the division which may have been made.

Tenth. A copy of the agreement of the family council approving the bond.

The mortgage record shall be made in accordance with the provisions contained in these Regulations and shall also contain the details mentioned in this article.

ART. 213. If the orphan or incapacitated person possesses real estate, the family council, at the time of approving the mortgage for the other property, shall order that, opposite the records of the property or rights of the orphan or incapacitated person, a marginal note shall be placed, in the following terms:

The estate of this number ——, record number ——, is administered by A as guardian of B, appointed by C, in such manner, said B being a minor or incapacitated to administer his property; and this note is made by virtue of an agreement of the family council ——— of such date. (Date and surname).

The agreement of the family council must appear in a notarial instrument, which shall be forwarded in duplicate to the Register by the President of said council. One of the copies shall be returned by the Register with the memorandum of compliance.

If the minor or incapacitated person possesses property or property rights which are not recorded, the family council shall order their record, at the margin of which the note referred to shall be made.

ART. 214. The marginal note treated of in the preceding article shall be ordered made by the family council, even in case the guardianship is exercised without any bond having been required.

OTHER LEGAL MORTGAGES.

ART. 215. For the creation and record of the legal mortgages treated of in Articles 217 to 221 of the law, besides the requirements prescribed therein, those established by these regulations in the present title shall be taken into consideration.

TITLE VI.

MANNER OF KEEPING REGISTRIES.

ART. 216. In the office of each Registry a frame shall be constantly exhibited to the public, in which, with the necessary clearness, the following shall be stated:

First. The dates on which the old and the new Registries were established.

Second. The names of the municipalities embraced in the jurisdiction of the Registry and of the population of each one, stating whether any has changed its name; or, if it is known by more than one, all those it bears or has borne since the establishment of the Registry.

Third. A statement of the Registry to whose jurisdiction the towns may have previously belonged, stating the date on which they were annexed to the Registry under whose jurisdiction they have finally come.

Fourth. The names of the towns which did belong to the Registry and have been removed therefrom, with a statement of the date and of the Registry to which they have been transferred.

Fifth. The schedule of fees.

Also a notice to the public shall be placed in the same frame, stating that interested persons who present documents in the Registry may demand that the entry of presentation be made *at once*, and that the record be made *within the following fifteen days*, in the manner prescribed by Article 56 of these regulations, otherwise an action against the Register being admissible.

ART. 217. The books of the Registry shall be formed, arranged, and ruled in accordance with the models which the Registry and Notarial Division shall establish when their provision is arranged for. Each register shall request of the President of the proper Audiencia the books he may require, and after they have been procured he shall present them to the Delegate, who must rubricate them.

The President shall request the books of the Division. The latter shall keep an account of the books sent him, the former also keeping an account of those distributed to the Registers of his jurisdiction.

ART. 218. The Delegate shall rubricate the first and the last page of the Day Books and Registries of property.

In addition all the pages of said books shall be stamped with the seal of the inferior Court.

For the purposes of the preceding paragraph Registers shall forward the blank books to the proper Delegates, and, after receiving a notice from the latter, they shall appear in their office to receive them rubricated, stamped, and certified; after examining them the memorandum of conformity prescribed in Article 221 shall be made.

ART. 219. The books of the Registry must be bound in such manner that no sheet can be removed therefrom without leaving signs of its removal, and also so that they can not be rebound without its being known.

If, on account of the destruction or wear of the binding of some book, it becomes necessary to renew it, Registers may only do so after receiving authority from the President of the Audiencia and only in the manner and form he may determine.

ART. 220. The paper to be used in the books of the Registry shall be specially manufactured for this purpose, with the marks and countersigns which may be ordered by the Registry and Notarial Division.

ART. 221. On the first blank page of each book the Delegate who rubricates it shall enter a certificate, stating in words the number of folios it contains, the fact that none of them is stained, written on, or useless, and the date of its delivery.

At the foot of this certificate the Register shall make and sign a memorandum stating that he has received the book in the manner stated in said certificate.

ART. 222. In each Registry of property a book shall be opened for each municipality or municipal district, as prescribed in Article 230 of the law.

When, at the instance of a Register, and for reasons of public convenience, the division of a municipal district into two or more sections is ordered, in accordance with the provisions contained in Article 232 of the law, the proper proceedings must previously be instituted, in which the President of the proper Audiencia shall take part.

The proper order of numeration of the estates prescribed in Article 8 of the law, and the strict order of dates to which reference is made in Article 59 of these Regulations, shall be construed as embracing estates situated in each municipal district.

The books shall bear the numeration prescribed by Article 226 of the law.

Besides these books and the Day Book, Registers shall keep such other books as they may deem convenient for the service, which shall

only have an auxiliary character. They shall only be admissible as private documents, and shall be kept at the expense and according to the good judgment of the Register.

ART. 223. The official books shall be the Day Book of operations and those of the Registry.

The Day Book shall bear the following inscription on the title-page:

Day Book of operations of the Registry of property of ———, volume ——, begun on —— day of ———, in the year ———.

On the page following the title-page the certificate and matters provided for in Article 221 shall be entered.

Each folio of the Day Book shall contain a blank margin sufficiently wide to make the proper marginal note therein, and the rest of the page shall contain horizontal lines for the purpose of writing thereon precisely the numbers of the records, forming a vertical column, and the records themselves immediately thereafter. Between the records no more space shall be left than is necessary for the signature of the Register.

If any marginal note can not be made in the Day Book because the margin of the corresponding record is already filled, the latter shall be reproduced so that said note may be made.

The books of the Registry shall bear their title on the cover in the following manner:

Registry of property of ———, Audiencia of ———, volume ——, of the municipality of ———, volume —— of the Archives of this Registry of property.

The first page after the title shall be exclusively used for the certificate and memoranda prescribed in Article 221.

ART. 224. Registers shall keep a Day Book of receipts, in which they shall enter in strict chronological order all the fees they may collect for any of the purposes mentioned in the schedule annexed to the Mortgage Law, or in these Regulations or other special measures which may be enacted, stating the amount received, the reason thereof, the individual or corporation who or which is to pay the same, and the number of the entry of presentation of the instrument, should there be any; and in case the fees arise through any of the judicial mandates referred to in Article 340 of the law mentioned, this fact shall be stated, with the date of the mandate, the inferior or superior Court which issued it, and the question in which it was ordered.

ART. 225. Registers shall also keep a book called "*Of incapacitated persons*," in which they shall enter records relating to final decrees declaring the legal incapacity to administer or the presumption of death of absent persons, of those imposing interdictions, or declaring some person insolvent or bankrupt, or making any other declaration by which the civil capacity of persons is modified with regard to the free disposition of their property.

ART. 226. Said book shall be kept on stamped official paper, all of its pages stamped and rubricated by the proper Judge, who shall cer-

tify on the first page thereof as to the number of folios it contains. These shall be arranged in strict alphabetical order, assigning to each letter such number of folios as may be considered proper.

ART. 227. After the judicial mandate containing the final decree mentioned in Article 225 has been presented, Registers, after making the proper records in the books of the Registry of property, shall enter in the book above mentioned the names of the persons incapacitated to dispose of their property, with a brief extract of said document and a citation of the package in which it is to be kept. These records shall be made under the letter corresponding to the surname of the person interested, and shall receive a special correlative numeration under each letter.

ART. 228. After the records and entries treated of in the preceding article have been made, the Register shall make a memorandum at the foot of the mandate, stating this fact, if the person against whom it has been issued should possess property; or that it has not been recorded nor a cautionary notice thereof made, because he does not possess any; the proper record of the property he may subsequently acquire having been made in the book of incapacitated persons, citing the letter and number which said record bears.

ART. 229. At the margin of the entry of presentation of the mandate the Register shall make a note similar to the one mentioned in the preceding article.

ART. 230. The Register shall return the duplicate of the mandate or sentence, containing a memorandum that it has been complied with, to the proper superior Court, keeping the other duplicate in the files of of his Registry, in the proper package.

ART. 231. If the person who has been declared incapacitated to administer his property or to dispose of it by virtue of some final decree, which has been entered in the book of incapacitated persons, acquires any real estate or property rights, the Register, immediately after the record stating the acquisition thereof, shall copy the sentence or mandate of the Court, referring to the duplicate on file in his office.

ART. 232. Registers shall keep two indices in the same manner, in which they shall enter records of all kinds that they may make in the books of the Registry from the date the Mortgage Law went into operation; one of them shall be called *index of property* and the other *index of persons.*

ART. 233. These indices shall be kept by municipalities, and in alphabetical order, in books or pamphlets made of common paper, its pages folioed and stamped with the stamp of the Registry.

ART. 234. The index of property shall be divided into two sections, including in one of them all that relates to rural property, and in the other all that relates to town property.

ART. 235. In the section relating to rural property the Register shall state in the proper columns—

First. The name of the estate, and in its absence that of the locality or district in which it is situated.

Second. The village, place, hamlet, parish, quarter, or jurisdiction to which it pertains.

Third. The agricultural use to which the estate is put.

Fourth. Two opposite boundaries, selected from the four cardinal points, which must be the same for all estates.

Fifth. The number of the estate according to the Registry, and the book and folio containing the record.

ART. 236. The section of town property shall contain in its proper columns—

First. The name of the square or street on which the property is situated.

Second. The present number of the same, and the old one, also, if it appears.

Third. The number given it in the Registry, or the letter, if a cautionary notice is treated of.

Fourth. The volume and folio in which it is recorded.

ART. 237. In both sections there shall be a column in which to state the class of ownership or property right referred to in the record, such as *property*, *servitude*, *mortgage*, *annuity* (*censo*), *use*, or the modifications thereof caused by cautionary notices, such as *judicial attachment*, *incapacity to administer*, *etc.*

ART. 238. The index of persons shall embrace in the proper columns—

First. The name of the person in whose favor or against whom the ownership or property right in an estate is recorded or a cautionary notice thereof made.

Second. The volume and folio containing the records or notices in which the owner of any estate or property right is interested; and,

Third. All cancellations of records, notices, and marginal notes mentioned in the preceding column, citing the volume and folio of the former, as well as of the latter.

ART. 239. Should the Register observe any change in the name, bounds, or other important details of the estate, he shall make the proper correction in the indices.

The conversion of cautionary notices into records shall be stated in the proper columns.

ART. 240. In accordance with the provisions of the law and these Regulations, Registers shall arrange by months, quarters, half-years, or by years, according to the circumstances, four classes of packages—one for receipts, another for judicial mandates, another for public documents, and another for private documents.

ART. 241. The packages of each class shall be numbered separately and in their proper order, in the order in which they are made up. Documents shall be placed therein according to their dates.

ART. 242. After the period which each package must embrace, according to the division adopted, has elapsed, it shall be inclosed in a wrapper, the class of documents it contains and the period it embraces being written thereon, inclosing within the same wrappers an index rubricated by the Register, stating the date of each one of said documents.

ART. 243. In each Registry there shall be made by the Register a detailed inventory of all the books and packages contained therein.

Whenever a new Register is appointed, he shall take charge of the Registry in accordance with said inventory, signing it at the time of the delivery, his predecessor being responsible for what should appear contained in the inventory and not delivered.

At the beginning of each year the inventory shall be brought up to date.

ART. 244. No instrument creating any of the property rights mentioned in number 2 of Article 2 of the law can be recorded unless the ownership of the real estate is recorded in favor of the person creating said right.

When the right to be recorded is that of direct ownership, the right of the person having the ownership in the estate must be previously entered.

ART. 245. When the first entry requested is one transferring a property right to some estate, the ownership of which is not recorded in the old Registry, and the acquisition of the ownership of the estate and of the property right is proven by the title deed presented, or by documents which are prima facie evidence, dated before the day on which the Mortgage Law went into operation, two records shall be made.

The record of the ownership shall be made in accordance with the general rules, and that of the property right in the manner proper for its kind, but without again describing the estate, and only referring to the record thereof.

ART. 246. Cautionary notices and their cancellations relating to each estate shall be marked at the margin with letters instead of numbers, in strict alphabetical order.

If the notices and cancellations referring to any estate reach such a number that the letters of the alphabet are exhausted, they shall be duplicated from the beginning, this system being observed throughout. In the margin of the Registry destined to the numeration of records only "notice or cancellation" letter ——— (the proper one) shall be written.

ART. 247. When the first entry relating to an estate is a cautionary notice, the provisions of Article 245 and 450 of these Regulations shall be observed, as the case may require.

ART. 248. Each folio of the books of the Registry shall contain a sufficient number of horizontal and perpendicular lines, for the purpose

of writing thereon, and in no other manner, at the head: The number of the estate; then leaving a blank margin without lines and forming a vertical column, the numbers of the record or the letters of the cautionary notices, and immediately thereafter the entries of either one or of the cancellations. The blank margin shall have the width necessary to make the marginal notes therein, so that the latter shall not occupy more space than the records they refer to whenever this is possible.

ART. 249. In the books of the Registry all the entries, records, cancellations, and notes mentioned in Article 227 of the law shall be made.

ART. 250. Registers, taking into consideration the movement of real estate in their respective subdistricts, shall assign to each estate the number of pages they may consider necessary, placing at the head of each one the number of the estate, when they begin to record them.

ART. 251. After the pages assigned to an estate have been filled, the number of the latter shall be transferred to another folio of the same book, or of a following one if there is no place in the former for the record. In such case, besides the number of the estate which shall be repeated, there shall be written *duplicate*, *triplicate*, and so on, and a reference to the folios and volumes in which the previous records may be found, in the following manner: "See folio from —— to ——, volumes ——." On the last of said folios, and in addition to the number of the estate, which is at the head thereof, shall be written "Continued in folio ——." The number and the word *duplicated*, or *triplicated*, shall be written immediately after the printed words *estate number*, and the reference to the folios and volumes in the following space on the thick line at the head of each page of the books of the Registry.

ART. 252. When several estates are alienated or encumbered in one instrument, the proper record shall be made on the page assigned to each estate, stating in each record the other estates embraced in the instrument and the book, and the folio and number borne by the records referring thereto.

The statement which, according to the preceding paragraph, must be made in each record of the estates embraced in the same instrument, shall be made by means of a marginal note, besides stating in the body of each one of the records and before the words "*All that is stated appears, etc.*," that this estate is embraced in the same instrument (and if there are two or three, the number there may be), and that they are recorded in the book, the folio and number being stated in the marginal note of the said record.

Should they exceed three, the marginal note shall contain the following:

The other (stating the number there may be) estates embraced in the same instrument, by virtue of which this record has been made, are recorded in the volumes, folios, and numbers which are stated in the marginal notes of entry of presentation number ——, folio ——, volume —— of the Day Book.

ART. 253. The brief records which must be made in compliance with the provisions of Article 234 of the law shall only contain the following details:

First. The character and name of the estate, if it is stated, or, in a proper case, that of the property right.

Second. A statement of the incumbrances.

Third. The name, surname, and residence of the grantor and of the grantee of the estate or property right; the nature of the instrument or contract; the date and town in which the instrument was executed or issued, and the name of the Notary certifying to it, or of the authority or official who issued it.

Fourth. A reference to the full record, referring to the book and folio containing it.

Fifth. A statement to the effect that the fees have been paid the State, if any are due on the instrument or record, or that none are due.

Sixth. Date, surname, and fees.

Seventh. A note shall be made in the margin, in the manner prescribed by Article 252 of these Regulations.

ART. 254. When the instrument is not one transferring ownership and refers to more than one estate, the ownership shall first be recorded, and afterwards a full record shall be made of the estate having the highest value only, or of any of them, if they are equal in value; all other records shall be made in accordance with the rules of the preceding article.

Registers shall strictly observe the rules prescribed in the preceding articles for making full or brief records, as may be proper, whenever the record or entry of two or more estates or rights is requested by virtue of a single instrument.

When the first entry requested relating to an estate or property right is a cancellation, article 455 of these Regulations shall be observed.

ART. 255. All amounts and numbers mentioned in records, cautionary notices, cancellations, and entries of presentation, shall be written out in full.

ART. 256. Whenever several estates or property rights are mortgaged in one instrument, a full record shall only be made in the special Registry of the estate which bears the greatest incumbrance according to the instrument, or of any of them if they are equally encumbered.

Other records shall be made with the conciseness required by Article 234 of the law, stating the special details for this purpose required by Article 253 of these Regulations.

When, through the fault or negligence of the Register, some real estate has been mortgaged by a person not having a right to create the mortgage, or without sufficient authority to do so, even when the contract has been subsequently ratified by a person legally capable, the record for this reason shall be null, and it shall be officially canceled, no fees being required, without prejudice to the liability of the Register.

ART. 257. When the instrument by virtue of which a cancellation is requested embraces several property rights or estates, situated within the jurisdiction of the Registry, it shall be recorded by making the proper entry, with the details required by Article 157, in the Registry of the estate in which the full entry of the ownership or property right which is to be canceled had been made.

To make the cancellation appear in the other estates embraced in the same instrument, the Register shall make the marginal note required by Article 158, also making a brief reference to the kind and date of the document, the names of the parties thereto, and of the authority or Notary who issued it.

ART. 258. The Registry shall be open for six hours on all working days, the office hours being previously fixed by the Register with the approval of the Delegate, and being announced in the Gazette of the proper island, in the official newspaper of the province, if there be any, and by means of posters fixed on the door of the office of the Registry.

The days which are holidays for inferior and superior courts shall be considered as such for the Registries.

ART. 259. Registers shall not admit any document for record in the Registry, nor shall they make any entry of presentation, except during the six hours fixed in the preceding article; but at other times they may perform any other duties proper to their office.

ART. 260. When the hour for the closing of the Registry has arrived, the Register shall, on the line immediately following the signature of the last entry in the Day Book, make the closing memorandum required by Article 242 of the law, in the following terms:

It being (here the time) p. m., which is the hour fixed for closing, the Day Book is closed with (so many) entries made this day, embracing those numbered —— to —— (or), no entries having been made this day. (Date and signature of the Register.)

ART. 261. All instruments which are presented in the Registry for the request of any record or entry whatsoever, shall be entered in the Day Book.

ART. 262. In no case whatsoever shall the provisions prescribed in the preceding article be violated, even when it is seen that the instrument presented lacks some legal requisite.

When two contradictory instruments are presented at the same time, relating to the same estate, two entries shall be made in the Day Book, one after the other, numbered in their proper order, stating in each one that another relating to the same estate was presented at the same time, and stating the number which has been or is to be given to the same.

If neither of the respective instruments should contain a defect preventing the compliance with the request, the proper entry of each one shall be made, stating that this has been done because another instrument relating to the same estate having been presented at the same

time, it is not possible to make the record, or, in a proper case, to enter the notice, until the persons interested or the Courts decide which record is to have preference.

In the margin of the proper records and at the foot of the documents a memorandum shall be made stating what has been done.

The documents shall be returned to the persons or the official from whom they were received, so that the former may make use of his right, if he should wish to do so, and the latter, in a proper case, may issue the decree he may consider advisable.

The entry made shall lapse at the end of the period fixed in Article 96 of the law, if within said period the interested persons do not prove by means of a written petition, ratified before the Register, that they have agreed to allow one of the entries to have the preference, or that no judicial proceedings will be instituted to obtain a declaration of preference. Should they come to an agreement, the Register shall consider the statement made by the interested persons and shall file the petition in the proper package. If, on the contrary, a suit is instituted, the claimant shall request that a cautionary notice be made of the claim, and after the necessary mandate has been issued by the Register, the latter shall enter the notice, making at the margin of the one previously entered a note of reference, drafted as follows:

A mandate for the cautionary notice of the claim instituted by ———, as appears from entry letter ——, folio ——, and book ——, having been presented this —— day, the adjoining entry continues effective until a final judgment shall have been rendered.

The final judgment rendered shall be recorded in the Registry, converting the one which had been previously made, according to its terms, into a definite record or cautionary notice.

ART. 263. The entries of presentation referred to in Article 261 shall be made immediately on the presentation of the instruments, it not being permissible to postpone them to the following day, even when the parties interested consent thereto.

ART. 264. Neither shall the recording of said entry be interrupted after it has been once begun, even if other instruments are presented for record during this time, except to make a memorandum of the time they are presented.

Records already commenced must be finished even if the hour for closing has arrived.

ART. 265. Only one entry of presentation shall be made of each instrument, notwithstanding that several records must afterwards be made by virtue of said instrument.

Neither shall more than one entry of presentation be made when several instruments are presented to make up a single record.

ART. 266. Registers shall state, under their responsibility in the entry of presentation, the details mentioned in Article 240 of the law, and they may add, whenever they consider it advisable, any other

details which will assist in distinguishing the instruments presented from any similar ones the record of which is also demanded.

ART. 267. To state in the entry of presentation the details required by Article 240 of the law, the rules prescribed for records shall be observed, in so far as they are applicable.

The situation of the estate shall be stated, if it is rural, by the district, subdistrict, or place in which it is situated, and if it is town property, by the name of the town, that of the street, square, or ward, and its number, should it have any.

Along the side of the signature of the Register, the person presenting the instrument shall affix his own, no matter what kind of instrument it is, and if he fails to do so, a witness shall sign. For this purpose, when the record is requested by authorities who do not reside where the Registry is situated, they shall forward the instruments to any of their subalterns who reside in that place, and in their absence, to the representative of the Department of Public Prosecution, so that the latter may present the instrument.

ART. 268. After the proper record has been made in the book of the Registry, a memorandum in the following terms shall be made at the margin of the entry of presentation:

The record (cautionary notice or cancellation) referred to in the adjoining record in volume —— of the municipality ——, folio ——, estate number ——, record number ——, has been made. (Date and surname of the Register.)

ART. 269. After the entry of presentation has been made, the Register shall deliver to the person who presented the instrument a reciept for the same, should he request one, in which he shall state the kind of instrument presented, the date and hour of its presentation, the volume and folio containing the record, and the number of the latter.

The Register, in returning the instrument after the entry has been made, shall take up the receipt he may have given therefor, and in its absence he may request that one be given him for the return of said document.

ART. 270. In order that the officials, clerks, and assistants of the Registry may sign the entries of presentation in the capacity of witnesses, the Register must state, under his responsibility, that at the time of making them it was not easy to find other persons in the town who might sign as witnesses.

ART. 271. Whenever a Register suspends the record or entry of some instrument, or the cancellation thereof, he shall return it to the person presenting it, but making a memorandum thereon stating—

The record of this document has been suspended (briefly stating the reason for the suspension), as appears from the cautionary notice of such date contained in volume —— of the Registry, folio ——. (Date and signature of the Register.)

ART. 272. The memorandum which, in accordance with Article 244 and the second paragraph of Article 249 of the law, the Register must affix at the foot of instruments, shall be drawn in the following terms, according to what has been done by virtue thereof in the Registry.

If it has been recorded:

The foregoing document has been recorded at folio —— of volume —— of the municipality of ——, estate number ——, record number ——. (Date, signature, and fees.)

If a cautionary notice has been requested and made:

A cautionary notice has been made of the foregoing document at folio ——, volume —— of the municipality of ——, estate number ——, record number ——. (Date, signature, and fees.)

If a record has been requested and on account of some error contained in the instrument a notice has been entered at the request of the party interested:

The record of the foregoing document has been suspended on account of the following defect —— (or defects), and in the meantime a cautionary notice has been made at folio —— of volume —— of the municipality of ——, estate number ——, notice letter ——. (Date, signature, and fees.)

If a cautionary notice ordered by a judicial mandate can not be made for good reasons, and in place thereof a memorandum of suspension has been made:

The cautionary notice ordered in the preceding mandate has been suspended, because it contains the defect —— (or defects), and a memorandum of suspension has been made in place thereof at folio —— of volume —— of the municipality of ——, estate number ——, note letter ——. (Date, signature, and fees.)

If the entry which has been made is a cancellation:

The cancellation in accordance with the foregoing document has been made at folio —— of volume —— of the Registry of the municipality of ——, estate number ——, record of cancellation number ——. (Date, signature, and fees.)

When there is not sufficient space in the instrument presented to make the memorandum, the Register shall begin it at the foot of the document with the words or syllables possible, continuing on a separate sheet, which must be furnished by the interested persons.

ART. 273. If the entry or record of several estates or rights has been made, all of which are contained in one instrument, the memorandum made at the foot thereof shall state precisely and laconically what has been done, noting also at the margin of the description of the instrument of each estate or right, its number, folio, book, and number of the record or letter of the entry which has been made regarding the same, without collecting any fees for these statements.

ART. 274. The Register, after having made in the Day Book the proper entry of presentation of an instrument which is to be returned for the correction of some error, according to Article 17 of the law, shall make the following rubricated memorandum at the foot thereof:

Presented (on such a day), Day Book number ——.

If the thirty days referred to in Articles 17 and 19 of said law have elapsed without the instrument having been taken up, the memorandum shall be made in the following manner:

The record of the above instrument has not been made, on account of the following error —— (or errors) therein, and thirty working days having elapsed without its having been corrected. (Date, signature, and fees.)

ART. 275. No record or entry shall be made unless the payment of the taxes on property rights or on the alienation of the property is proven, if any arise out of the instrument or contract, or the note of exemption stamped by the liquidating office appears thereon.

The payment of the tax referred to shall be made through the branches of the Public Treasury or through the Register of property himself, should he have been delegated for this purpose by the proper competent authority.

The offices of the Treasury shall issue, besides the proper receipt, a certificate on stamped official paper, stating the sum received and all its details.

In case records of a single document are to be made in more than one Registry, such a number of certificates shall be issued as there are Registries in which it is to be recorded.

The interested parties shall present with the receipt the proper copy of the certificate of the sum paid, on which the Register shall make a memorandum with regard to having verified it and found it correct.

If the record is to be made in one Registry only, the Register shall keep the receipt, making a memorandum of this fact on the certificate presented to the party interested; and when the document is to be recorded in several Registries, each Register shall file the copy of the certificate presented to him, with a memorandum stating that the receipt is in the possession of the party interested, the latter being taken up in the last Registry in which the record is to be made, and a new memorandum made on the certificate remaining in the possession of the interested party that the receipt has been filed.

ART. 276. The receipts, or, in a proper case, the certificates referred to in the preceding article, shall be filed in order of their dates, in numbered packages, after having stated on each one the volume and folio in which the respective record can be found, its number, and that of the estate to which it refers.

ART. 277. The entries or memoranda which are to be made in the books of the Registry of property, by virtue of the documents referred to in Article 80 of these Regulations, can not be certified to by the signatures of the Registers.

This shall be done by the representative of the Department of Public Prosecution, under his responsibility, or, in his absence, by a lawyer of the subdistrict who has attained his majority, who shall receive the proper fees therefor in accordance with the Schedule.

ART. 278. In case a Registry does not possess books in which to make records, or does not possess a Day Book, notwithstanding that they have been requested of the President of the Audiencia in ample time, the proper provisional books shall be opened in said Registry, formed by one or several quires of full sheets of paper, and the number of pages which may be considered necessary by the Register.

ART. 279. The books which it may be necessary to open, in accordance with the provisions of the preceding article, shall be folioed; on

their pages the margins necessary for any proper memoranda shall be left; they shall be stamped with the stamp of the Registry, and rubricated by the Register and the Judge of First Instance, who shall also sign the first page with their full signature, on which, as a heading, reference shall be made to said Article 278.

ART. 280. In these provisional books, such entries of presentation, notices, and marginal notes shall be made as may be proper by virtue of the instruments presented, in the same manner in each way and every one of their parts, and with the same effect as if they had been made in the regular books; but in the provisional books of the Registry they shall follow each other in the strict order of their dates, without any pages or intervals being left between them.

ART. 281. Memoranda to the effect that a document has been presented, entered, or recorded, made at the foot of an instrument in accordance with the provisions contained in Article 244 of the law, and 271 and 274 of these Regulations, shall also be made in accordance with said provisions, without any other difference than the substitution for the volume and folio of the stub-book (regular book) of the folio and number of the provisional one.

ART. 282. The Register, immediately on receiving the proper stub-books, shall officially inform the Judge of First Instance of the sub-district thereof, so that on the following day, if it is a working day, the closing of all the provisional books may take place in the office of the Registry, after their examination by the Judge to assure himself as to their having been kept in accordance with the provisions contained in these Regulations; and, finding them correct, he shall make a memorandum at the end of each one, stating the number of records it contains, and that there are no blank spaces, corrections, erasures, nor interlineations therein, or stating those it does contain, this memorandum being signed by the Judge and by the Register. If the books are not in conformity with the provisions contained in the preceding articles, the closing memorandum shall be made notwithstanding this, but stating therein the defects they contain, the Judge communicating the same to the President of the Audiencia for the proper proceedings.

When the provisional books are Day Books, the Register, immediately on receiving the proper official books, shall begin to transfer the records contained in them to the new books, but without closing the former immediately, as they must continue open, and such entries made therein, until all of them having been transferred to the proper stub-books, the instruments presented for record or entry in the Registry may be continued therein.

ART. 283. After all the provisional books have been closed, all the records relating to instruments on file in the Registry or which are presented, shall be entered in the stub-books; but if said instruments refer to estates regarding which there is some entry in the provisional books, said record must first be transferred to the stub-books.

ART. 284. Registers can not issue any certificates referring to entries contained in the provisional books which have not been transferred to the stub books.

ART. 285. Said officials shall make the transfer of all the records contained in the provisional books to the stub books as quickly as possible, without neglecting current business.

ART. 286. When the transfer has been fully completed, the Register shall officially give notice thereof to the Judge of First Instance of the subdistrict, so that, on the day he may fix, the verification of the records transferred may take place in the office of the Registry; and if it appears that they have been faithfully and accurately transferred, this shall be stated by means of a memorandum made in each of the provisional books immediately after the closing memorandum, which shall be signed by the Judge and by the Register; and, after this has been done, said books shall be filed in the Registry and the Register shall communicate this fact to the President of the Audiencia, who shall communicate it in his turn to the Registry and Notarial Division of the Colonial Department.

ART. 287. In case any Register has been retired from office before having completed the transfer to the stub books of the records made in the provisional ones, he must defray any expenses that the person continuing the transfer may incur thereby. The heirs of a deceased Register shall, in a similar manner defray, in a proper case, the expenses incurred by the person making the transfer of said entries.

ART. 288. The parties interested shall, by common consent, fix the amount of said expenses, and should they not come to an agreement they shall submit their differences by way of administrative proceedings to the Judge of First Instance, who shall transmit them to the President of the Audiencia with his report, so that the latter may decide what he may consider just. This decision shall be carried out without prejudice to the right of the person who considers himself injured to institute judicial proceedings. These claims shall never be an obstacle in the way of the person in charge of the Registry from making the transfer of the records contained in the provisional books to the stub books.

ART. 289. When cases occur in which the provisions contained in Articles 278 and the following have to be applied, Registers may forward to the Registry and Notarial Division of the Colonial Department, through the President of the proper Audiencia, the information showing the cost and increase of work caused by this exceptional service, so as to embrace it in their reports for any purpose they may deem proper.

TITLE VII.

CORRECTION OF ENTRIES IN REGISTRIES.

ART. 290. Whenever a Register shall observe that some material error has been committed in any records or entries which he can himself correct, in accordance with Article 254 and the second paragraph of 256 of the law, he shall do so, making a new record at his own expense and under his responsibility in the same book and with the proper number.

This correction must be made, even when the record to be corrected has already been canceled.

When in making a record a word is incorrectly written, for example, Banga for Batangas, legatees for legatee, mortgagor for mortgage, etc., and it is observed at the time, it may be corrected at once without making a new record, in the following manner: I mean Batangas, I mean legatee, I mean mortgages, placing it in parentheses. With the exception of these cases and other analagous ones, the general rule shall be followed.

ART. 291. If the error has been committed in a record, cautionary notice, or cancellation, the correction shall be made in the following manner:

(In the margin:) Correction of record number —— (or) of the cautionary notice in favor of ——— letter —— (after the number corresponding to the record). The words (state here the words) of the record (or cancellation) number —— (or of the cautionary notice in favor of ——— letter ——) being incorrect (or omitted) and the instrument being on file in the Registry, I correct it in the following manner: (Here the corrected record, underlining the new or amended words which it contains.)

ART. 292. If the error has been committed in some entry of presentation or marginal note, the correction shall be made by means of a new entry in the margin of which, if it is possible, and otherwise, as closely thereto as practicable, the following words shall be written:

For the correction of the entry number ———.

Should the entry not have any number, the folio, the name of the person in whose favor it has been made, and the letter, should it bear any, shall be written in place thereof.

ART. 293. If the error committed is one which can not be corrected, without the formalities prescribed in Article 256 of the law, the Register shall, in writing, request the appearance of the person interested, who must have the instrument in his possession, so that, by exhibiting it and in his presence, the correction may be made.

ART. 294. Should the party interested not appear on the second invitation, or if he does appear he should oppose the correction, the Register shall apply by a communication to the Judge of the subdistrict, so that he may order it corrected; and the latter, hearing the party interested in the manner prescribed for the creation of legal

mortgages, or declaring him in contempt should he not appear, shall issue a decree refusing or ordering that the correction be made by virtue of the instrument in possession of the person interested and which has been presented, or ordering that a certified copy be officially made of the part of the instrument necessary to decide as to the correction, if said instrument is not presented.

The costs of the proceedings shall be defrayed by the Register, and those for the preparation of the certified copy by the person interested who has been declared in contempt.

ART. 295. When the Register does not know the residence of the person who has the instrument which is the subject of the incorrect record in his possession, he shall summon him three times at intervals of thirty days, through the official newspaper of the province. If said period has elapsed and he has not appeared, the Register shall apply to the Judge of the subdistrict, who shall proceed in the manner prescribed in the foregoing article.

ART. 296. In the case mentioned in the two foregoing articles the correction shall be made in the manner prescribed in Article 291, but suppressing the words "the instrument being on file in the Registry," and inserting in their place:

N., the person interested therein, having been summoned and having shown me the instrument, in conformity therewith, or, by virtue of a decree of ———, issued in ———, I correct said record, etc.

When the correction is made by virtue of the new certified copy of the instrument, mention thereof shall also be made.

The certified copy shall be filed in the proper package.

ART. 297. When the Register observes any error of judgment of those mentioned in No. 1 of Article 255 of the law, and if he believes that someone might suffer damage thereby if it is not corrected, he shall summon all the persons interested in the incorrect record for the purpose of informing them as to the error committed, and consulting their wishes as to the proper correction.

If all of them appear and unanimously agree to the correction, their agreement shall appear by a memorandum made by the Register, who shall sign it, together with the parties interested, and the proper record shall be made in virtue thereof. This memorandum shall be filed in the proper package of the Registry.

ART. 298. Any of the parties interested in a record, who may observe a material error or an error of judgment therein, may, with the consent of the others, request the register to correct it; and should the latter not consent thereto, or any of the interested parties oppose it, he may submit a similar petition to the Judge of the subdistrict, proceeding in such case in the manner prescribed in Article 294.

ART. 299. The Judge shall declare, and the Register shall recognize, if proper, the error of judgment only when there is no doubt as to its existence, in accordance with the rule established in Article 260 of the

law; and in this case the correction shall be made in virtue of a new record, in accordance with the original instrument.

ART. 300. When the error is caused through a vague and incorrect statement of a part of the instrument, which was construed by the Register in a manner differing from the understanding of the parties interested, the Judge of the subdistrict shall not declare said error, nor shall the Register correct it; but the right of the parties shall be reserved to have the interpretation of the contract judicially declared, or to make a new one in which the doubtful part shall be stated with greater clearness.

ART. 301. After the correction of a record, cautionary notice, or cancellation has been made, the entries referring thereto in the other books shall also be corrected if they are also incorrect.

This correction shall also be made by means of a new record in the manner prescribed in Article 292.

ART. 302. The correction of an error of judgment shall be made in the same manner as that of a material error, but citing, instead of the words which have been materially mistaken, the entire clause which is to be corrected. Thus, instead of "the incorrect words," shall be written: "The following phrase is incorrect," etc.

TITLE VIII.

ADMINISTRATION AND INSPECTION OF REGISTRIES.

ART. 303. The Registry and Notarial Division, established by Article 265 of the law, shall be divided into three Bureaus, to be called—the first, of Registries and Civil Marriages and Mercantile Registry; the second, Registry of Property and of Statistics; the third, the Notarial. Notwithstanding this division of bureaus, the Secretary may require of the Chief, or of the Bureaus of the Division, provisionally or permanently, any other services or labors for which it is advisable to use the services of their clerks. The Chief of the Division and the two officials thereof shall be in charge of the Bureaus, assisted by the necessary clerks and copyists.

The Chief of the Registry and Notarial Division shall submit to the decision of the Secretary all questions which require his approval, and shall himself issue the decisions which do not require it, in accordance with Article 268 of the law.

In case of absence, sickness, or for any other reason accidentally preventing the Chief of the Division from discharging his duties, he shall be substituted for all legal intents and purposes by the official thereof designated by the Secretary.

ART. 304. Presidents of Audiencias shall communicate directly with the Division and shall comply with the orders they may receive from the same in all that relates to the matters submitted to them.

ART. 305. The roll of the officials of the Division referred to in Article 266 of the law shall be annually published in the Gazette.

When to fill some vacancy in the position of copyist there are two receiving the same salary and of the same standing in the next lower class, their order on the list shall decide as to the preference.

The officials of the Division who are forced to leave their duties on account of the suppression of the positions they were filling shall receive the same places, should they be reestablished.

ART. 306. The office regulations shall determine the duties of the employees of the Division and all that is necessary for a prompt and accurate discharge of business.

ART. 307. To hold the competitive examinations for the positions of assistants of the Registry and Notarial Division of the Colonial Department in the case mentioned in Article 266 of the law, the following rules shall be observed, which shall be embraced in each call:

First. The examinations shall be advertised in the Gaceta de Madrid at the proper time.

Second. The applicants shall present their petitions to the Registry and Notarial Division of the Colonial Department within the period of sixty ordinary days, computed from the day following the publication of the announcement, accompanying thereto at the same time the document showing that they possess the qualifications required by Article 288 of the law, and that they are not embraced in any of the cases mentioned in Article 299 of the same.

Should the applicants not have the title of lawyers, they shall present a certificate of the Secretary of the University, stating that they possess the necessary qualifications to obtain said title, it being understood that they must have obtained the latter before being appointed.

In announcing each competitive examination, the Division shall state the documents necessary to prove the other details required by this rule. The applicants may also present all documents showing their merits, services, and circumstances.

On the day following the period mentioned, the Division shall transmit to the Gaceta de Madrid, for publication therein, a list or statement containing the names of all the applicants.

Third. The Chief of the Division shall declare all the applicants eligible to take part in the examination who may have fulfilled the requisites mentioned in the preceding rule, within the period of the call, and shall refuse the applications of all the rest, and publish in the Gaceta a list of the persons admitted. Against this decision there shall be no remedy whatsoever.

Fourth. The Board of Examiners shall be composed of: The Chief of the Division, or the person discharging his duties, who shall be President of the same; an Associate Judge of the Audiencia of Madrid; two Professors of the law branch of the Central University; one lawyer of the Madrid bar; one Register of property of the first class;

and one official of the Division mentioned, who shall act as Secretary. The members of the Board shall be appointed by the Colonial Secretary for each examination held, said appointments being published in the Gaceta de Madrid.

The office of members of the Board in question is honorary and without pay.

Fifth. There shall be three public examinations—two theoretical and one practical.

Sixth. The first examination shall consist of answering twelve questions selected at random on the following subjects:

Two on Spanish Civil Law.

Two on the mortgage legislation for the Colonies.

Two on legislation regarding Registries and civil marriage in said provinces.

Two on notarial legislation of the same.

Two on general colonial legislation.

One on administrative law.

And one on commercial law.

Seventh. The second examination shall consist of writing an essay on a subject selected at random from among one hundred on the following matters: Spanish Civil Law; Mortgage legislation for the Colonies; legislation relating to Registries and civil marriage in said provinces; the Notarial legislation of the same; Administrative law; Commercial law, and general colonial legislation.

Eighth. The practical examination shall consist of preparing papers on mortgage legislation, Registry, or civil marriage or the Notarial law, and stating the proper proceedings. For this purpose the Division shall prepare twenty subjects relating to the same number of papers.

Ninth. Whenever a call for a competitive examination is published in the Gaceta de Madrid, a list of three hundred questions for the first examination shall be published immediately following it and the hundred subjects relating to the second.

Tenth. The Board shall announce in the Gaceta, and fifteen days in advance, the locality, days, and hours on which the examinations are to commence.

Eleventh. On the day fixed for the commencement of the examination, the Board shall publicly draw by lot to determine the order in which the applicants shall be called up for each examination.

If, after a competitor has been called, he does not appear at the hour fixed, his turn shall be taken by the one having the number immediately following, and the former shall receive a new number following the last number issued.

If, at the second call, he should not appear, he shall be considered as having abandoned the examination.

Twelfth. The competitor shall begin the first examination by draw-

ing by lot the twelve questions mentioned in rule No. 6, which he shall answer verbally, without ever being permitted to employ more than one hour and a half for this purpose.

Thirteenth. For the second examination, one of the competitors shall draw by lot the only theme which is to be the subject of the essay, which must be written in the own handwriting of the competitors within the period of twelve hours at the most, being constantly watched by a member or the Board, and being permitted to make use of books.

After the essay has been completed, they shall deliver it to the member of the Board present, who, in the presence of the competitors, shall inclose it in an envelope, sealing it with sealing wax, the person interested placing his signature thereon.

On the day fixed by the Board, the competitor who wrote the essay shall read it. Should any of them not be able to do so, he shall state the reasons preventing it to the Board, who shall decide as may be proper, according to the particular cases.

Fourteenth. The practical examination shall be held by the competitors on the subject which one of them has previously drawn by lot, proposing the proceedings to be taken thereon, and completing it within the period of eight hours, during which time they shall be watched in the manner prescribed in the preceding rule, but being permitted to use books.

After the paper has been concluded, they shall deliver it to the member of the Board present. On the day fixed by the Board this paper shall be read.

Fifteenth. The Board shall see that at least half of the questions to be included in the first examination are deposited each day in the box.

Sixteenth. The Board shall not give any advice nor ask any questions of the competitors concerning the subjects of the examinations, with the exception of the right of the President in the discharge of his duties.

Seventeenth. After each of the three examinations, the Board shall classify the competitors in secret session.

The competitor who shall not have passed any of the examinations can not take the following ones.

A list of the applicants who shall have passed each examination shall be exhibited in the building where they take place, consecutive decisions being announced in the same manner.

Eighteenth. At the conclusion of the three examinations, the Board shall prepare a list, in which all the competitors who shall have passed shall be placed in order of merit. This order shall be fixed by a special vote, held for each place, each voter depositing a slip of paper in a box, containing the name of the person who, in his judgment, in entitled to the number voted on.

Nineteenth. The votes shall always be secret.

The classification shall be decided by the majority of votes.

In case of a tie, the President shall cast the deciding vote.

Twentieth. The Board shall propose for the vacant places, which were announced to be open to competition, and for the places which are vacated before the conclusion of the examination, those competitors who obtained the first numbers, so that the position of the highest class and salary shall be filled by No. 1, the following one by No. 2, and so on.

Twenty-first. The President shall submit to the Colonial Secretary the names of the persons proposed for each place, so that the appointment may be made.

Twenty-second. The Board can not act without the presence of at least five of its members. Judges who for any reason whatsoever have not taken part in the first examination of the contest, can not take part in the voting.

Twenty-third. The proper minute book, rubricated by the President and signed by the Secretary, shall be kept, who shall transmit it to the Registry and Notarial Division of the Colonial Department at the conclusion of the examinations.

ART. 308. Competitive examinations for the positions of copyists of the Registry and Notarial Division of the Colonial Department, in the case mentioned in Article 266 of the law, shall be subject to the following rules:

First. To take part in the competitive examinations it is necessary to be a Spaniard and a layman, over twenty years of age, and of good moral character.

Second. The applicants shall present their requests to the Registry and Notarial Division within the period of fifteen ordinary days, computed from the day following the publication of the announcement, transmitting at the same time a certified copy of the certificate of birth or, in a proper case, the certificate of baptism, and a certificate of status (whether married or single) and of good conduct, properly dated by the Mayor of the town of the domicile of the person interested. They may also present all documents showing their merits, services, and circumstances.

Third. The Board of Examination shall be composed of the Chief of the Registry and Notarial Division, or the person discharging the duties of that office as President, and two professors of penmanship in public educational institutions, whom the Secretary shall appoint for each examination, the one who has been appointed last discharging the duties of Secretary.

Fourth. There shall be two public examinations, one practical and one theoretical. The first examination shall consist of three subjects, namely, grammar, elementary arithmetic, and writing. The second examination shall consist in answering two questions selected by lot and referring to the geography of the Colonies.

Fifth. The subjects for the second examination shall be made public at the time of the call.

Sixth. For the first examination the Board shall require each competitor to read a paragraph of Spanish prose, which he shall analyze. At the conclusion of this part of the examination by all of the competitors, they shall simultaneously take part in the second and third parts of the examinations, some arithmetical problem being given by the Board for solution by the competitors, immediately thereafter requiring them to write from dictation in their ordinary handwriting, and to copy the draft which shall be given them, in Spanish writing, for half an hour, and in the different kinds of writing they may be acquainted with for another half hour. After this work has been signed it shall be delivered to the Board for their determination.

Seventh. The competitors shall draw by lot the two questions prescribed in rule number 4 for the second examination, which shall be answered orally.

Eighth. The Board shall not hold any sessions without the presence of two members. Any member who, for any cause whatsoever, has not taken part in the oral examination of any of the competitors, can not take part in the voting.

Ninth. The last paragraph of rule 2 of the preceding article, and rules 1, 3, 10, 11, 16, 17, 18, 19, 20, 21, and 23 of said article shall be applicable to these competitive examinations, and shall be published in each call, together with the provisions contained in this article.

Whenever a President of an Audiencia shall select from among several Judges or subdistricts or municipal Judges in accordance with Article 269 of the law, the person who is to be delegated to the inspection and surveillance of the Registry in a town where there is more than one Court of First Instance, or, in a proper case, more than one inferior municipal court, or must delegate an Associate Judge to make an extraordinary inspection within or outside of the jurisdiction of the Audiencia, he shall make the appointment in writing, communicating it to the Register and to the appointee. In the same manner, for the purpose of making an extraordinary inspection, the Judge of First Instance, or, failing him, the municipal Judge of the subdistrict in which the Registry is located, may be delegated.

ART. 310. For the inspection and visit of Registries, the President of the proper Audiencia shall communicate to the Delegates such instructions, in writing, as he may deem necessary, which must be strictly observed by them, they being responsible for any omission or error in their fulfillment.

ART. 311. The persons delegated for the inspection of a Registry shall make the quarterly inspection by going to the Register's office, accompanied by the Secretary of the proper inferior Court, but not during the hours fixed in each office for the public service. The Delegate shall examine all the books kept by the Register, the documents which are awaiting entry, and the condition of the files.

The reports of the quarterly inspection shall contain the following details:

First. The number of documents awaiting record on the day of the inspection.

Second. The number of the entries of presentation made during the quarter, and the dates of the memoranda written in the margin thereof.

Third. A statement that these are signed by the Register and by the person interested, and the number which are signed by the substitute, or which are not signed at all.

Fourth. Whether any words have been corrected, erased, or interlined in the books since the date of the last inspection.

Fifth. Any omission or lack of formality or superficial defect observed by the Delegate in the books, documents, or office of the Registry.

Sixth. In cases in which the Register, not having given any bond, is obliged to deposit a quarter of his fees, the report shall state whether that part of the fees collected from the date of the last inspection until five days before the present inspection has been deposited.

If, before the inspection is concluded, the time for opening the Registry arrives, the opening shall be deferred until the inspection has been concluded, provided it does not exceed two hours more; and after this time has elapsed without finishing the report, the inspection shall be deferred until the following day.

If the inspection is not made on the last day of the quarter because it is a holiday or for any other legitimate reason, the cause of the delay shall be stated in the report.

After the report has been made, it shall be signed by the Delegate, the Register, and the Secretary; the first writing with his own hand in the margin of the last entry contained in the Daybook, and in the books of the Registry, the date of the inspection and the word *Inspected*, writing his signature immediately thereafter.

He shall send a copy of the report of this inspection to the President of the Audiencia within three days.

ART. 312. Presidents of Audiencias shall make an extraordinary inspection, or order one to be made, in the following cases:

First. When it is so ordered by the Division.

Second. In the case mentioned in Article 359 of these Regulations.

Third. When the proceedings mentioned in Article 308 of the law are instituted.

When the reason for the inspection is that the Registry is vacant, it shall include the period during which it has been in charge of the last Register; but if a general extraordinary inspection was previously made, it shall only include the period which has elapsed since said inspection.

In ordering a special inspection to be made, it shall be stated whether it is to be general or special; stating in the first case what period it is to include, and in the second the books and documents which are to

be examined and it shall be communicated to the President of the Audiencia.

No matter who is the official who makes the inspection, he must be accompanied by a Secretary, to be appointed by the authority who ordered the inspection to be made.

ART. 313. After the Inspector has arrived in the town in which the Registry is situated, he shall advise the Register, so that the latter may be in his office on the day and hour fixed by the former for the beginning of the inspection, taking care that said inspection is made before or after office hours.

If the person in charge of the Registry should refuse to exhibit the books or should not be present during the hours fixed for the inspection, the Inspector shall make a memorandum of this fact and shall communicate it to the President of the Audiencia for the proper action.

When an inspection can not be concluded on the same day, the proper memorandum shall be made regarding what has been inspected, which shall be signed by the Inspector, the Register, and the Secretary.

ART. 314. No matter what informalities and defects may be observed by the Inspector, they shall be stated in the report without making any formal charges or remarks to the Register, but without prejudice to requiring the latter to make the necessary explanations to elucidate the facts reported.

ART. 315. If after the report of the inspection has been closed the Register disputes any of the statements made therein, he shall write his reasons with his own hand immediately following the report, signing at the foot.

ART. 316. All those who subscribe the report shall be responsible, in accordance with the laws, for the correctness of the statements made therein, of those affirmed, as well as of those denied.

ART. 317. The President of the Audiencia shall examine the report, and should he observe any difficulties or irregularities caused in some Registry by legislation in force, on account of the circumstances existing in different localities, he shall submit a detailed statement thereof to the Division, so that the latter may propose the proper amendments to the Government.

ART. 318. The Inspector shall make an inspection and an examination of the books of the Registry in accordance with the following rules:

First. He shall demand the report made of the last inspection, whether it was ordinary or extraordinary, and shall enter the order and decrees issued by virtue of said inspection, or the part thereof which has been complied with.

Second. He shall examine all the entries in the Day Book included in the period to be covered by the inspection; and without prejudice to entering in the report any defects and informalities he may observe, he must necessarily enter the dates of each one of the entries made during the past six months and those of the corresponding marginal notes.

Third. After the examination of the Day Book has been concluded he shall proceed with the examination of the records made by virtue of said entries of presentation in chronological order, and shall include in the report any omissions, defects, and irregularities he may observe in their external form, as well as in their matter, as prescribed by Article 345 of the law and 311 of these Regulations.

Fourth. Besides these details and those ordered in each case by the Division, the Inspector must include in the report the following facts:

1. Whether the book fulfills the conditions established by Title 6 of the law, and of these Regulations.

2. Whether the numeration of the estates is correlative for all those of one municipality or section; or if it is special for each volume of those composing a municipal district.

3. Whether the records and notices relating to one estate have a special numeration.

4. Whether there are any intervals or blank spaces in the records.

5. Whether in all records regarding instruments or contracts for which the tax on property rights or transfer of property is to be collected, the Register has stated the amount collected or that the tax was not collected.

6. Whether in all records where it is proper, the amount collected for fees is stated, or whether any records exist which do not contain said statement.

ART. 319. Besides the foregoing facts, one or more different entries referring to each one of the following kinds shall be copied in the report literally, with their corresponding marginal notes:

First. Transfer of ownership of several estates situated within one municipal district and included in one instrument.

Second. Award of estates to different persons *pro indiviso*.

Third. Entry of possession of an estate with the entry immediately following.

Fourth. Sale ordered by the State with the entry of possession which precedes it, and that of the mortgage which in a proper case follows it.

Fifth. Acquisition of property by virtue of a will.

Sixth. Acquisition of property *ab intestato*.

Seventh. Acquisition by virtue of specific legacies.

Eighth. Creation of voluntary mortgages on different estates.

Ninth. Creation of annuities (censos).

Tenth. Imposition of servitudes.

Eleventh. Cancellation of a voluntary mortgage.

Twelfth. Redemption of annuities granted by private parties.

Thirteenth. Cancellation of a legal mortgage by reason of guardianship.

Fourteenth. Notice on account of a lack of indices.

Fifteenth. Suspension of an entry of a writ of attachment.

Sixteenth. Cancellation of a property right recorded in the old Contaduría, Anotaduría, or Receptoría.

The Inspector shall see, in so far as is practicable, that the entries of which, according to the foregoing article, a literal copy is to be made, contain some special circumstance; and if in the period which the inspection is to cover, there should not be all the kinds of records enumerated in the foregoing paragraph, a special statement of those which do not exist shall be made in the report.

ART. 320. After the examination of the books of the Registry of property has been concluded, the Inspector shall request the Register to state whether he has any provisional books in his possession, stating in the report the answer of the latter, and in an affirmative case, the date of the closing memoranda and comparison. The following shall also be stated:

First. The date of the closing memoranda made in the books of the suppressed Contaduría, Anotaduría, or Receptoría of mortgages.

Second. The number of years covered by the Registry of the old Contaduría, Anotaduría, or Receptoría of mortgages, stating the books and packages of which it consisted, the state of their preservation, and the date of their closing memoranda.

ART. 321. The Inspector shall examine—

First. The indices of the old Contaduría, Anotaduría, or Receptoría of mortgages, as well as those of the new Registry; he shall verify some of the data they contain, referring to the proper records or entries; he shall state whether they are kept by years or municipalities, and he shall make a literal copy in the report of the headings of the columns of the different indices existing in the Registry.

Second. The *book of incapacitated persons*, stating the headings it contains and the last entry made therein, with the record of the Registry to which it refers.

Third. The *book of receipts*, of which he shall verify some of the entries it contains, by the proper records in the Registry.

Fourth. The *inventory* of the books and documents of the office. And,

Fifth. The packages of documents on file, stating in every case the number of documents contained in each package.

ART. 322. The Inspector shall state in the report the system followed by the Register in the record of documents, in certifying as to the freedom from encumbrances, or to the encumbrances of estates, and in the preparation of statistics, the number of assistants and their salaries, and the general condition of the office.

ART. 323. If, during the inspection the official making the same is informed, verbally or in writing, of some errors, informalities, or frauds committed in the office, the Inspector shall examine the books of the Registry for the purpose of stating in the report what may be proper with reference to the acts complained of.

ART. 324. Registers may demand and file a copy of the report of the inspection, verified and certified to by the Secretary taking part therein.

ART. 325. The President of the proper Audiencia shall examine the reports of the inspection, and shall return those which have not been

prepared in the manner prescribed in the foregoing articles, so that they may be redrawn. When any errors or irregularities appear in some Registry, he shall issue the orders he may consider expedient to repair and correct them, without prejudice to any action which may be proper against the Register. These reports shall be kept in the files of the Audiencia.

ART. 326. The report which said President must transmit every six months to the Colonial Department, shall contain all the details mentioned for reports of inspection with regard to all the Registries under his jurisdiction. At the same time he shall state any information he may have obtained with respect to the public and private conduct of Registers, and regarding the zeal and capacity they show in the discharge of their duties.

The Registry and Notarial Division, in view of said half-yearly reports, shall decide what may be proper, and enter what appears therefrom in the records of service and personal records of each Register.

ART. 327. A Register who is cautioned in the report of the inspection to correct some record, or remedy some error in form, shall communicate to the President of the Audiencia, in writing, that it has been done, as soon as he has done so, unless, considering the order of the Delegate improper, he makes the respective protest to said authority.

This fact shall also appear in the report of the inspection succeeding that in which said error was noted.

ART. 328. Any person who should have knowledge of some defect, informality, or fraud committed in some Registry, may inform the President of the proper Audiencia thereof either verbally or in writing. The President, in view thereof, shall issue any orders he may consider proper to ascertain the facts of the case, if he considers the complaint pertinent.

ART. 329. Whenever the President of an Audiencia is advised of any defects, informality, or abuse committed in some Registry of his district, he shall order an extraordinary inspection thereof to be made immediately.

ART. 330. The consultations by Registers with Judges of First Instance and with Presidents of Audiencias, shall always be made in writing, being limited, in accordance with the provisions contained in Article 276 of the law, to any doubts they may have as to the interpretation and execution of said law, and of the regulations enacted for its application.

Doubts and questions which refer to the determination of the legality of documents by virtue of which a record is demanded, or of the capacity of the parties thereto, must be decided by the Registers themselves, under their responsibility, in accordance with Article 18 of said law.

ART. 331. If Judges of First Instance themselves decide any questions which, in accordance with the first part of the foregoing article, are submitted to them, they shall communicate the questions submitted

to them and their decision to the President of the Audiencia, without carrying the latter into effect.

If the President of the Audiencia approves them, he shall so inform the Judge of First Instance, so that they may be carried out; if he disapproves them, he shall issue an order to this effect, but without executing it, submitting the same to the Colonial Department for a final decision.

In cases of doubt the provisions contained in Article 276 of the law shall be observed.

Presidents of Audiencias shall proceed in a similar manner when questions are submitted to them directly by Registers, and they are in doubt as to their decision.

Decisions of Judges of First Instance and of Presidents of Audiencias shall always state their reasons; to the questions they shall accompany their opinion and report.

ART. 332. Presidents of Audiencias shall submit a report to the Registry and Notarial Division of all questions decided by them with reference to the interpretation and application of the Mortgage Law and its Regulations, and of those in which they approve the decision of Judges, for which purpose the latter must give them proper information.

ART. 333. The provisions contained in Article 330 of these Regulations, and in Article 276 of the law, regarding the option of Registers to submit any doubts they may have to the President of the Audiencia or the Judge of First Instance, shall be construed as meaning when the former shall reside in the town of the Registry, the question otherwise being submitted to the Delegate.

TITLE IX.

PUBLICITY OF REGISTRIES.

ART. 334. The exhibition of the Registry ordered by Article 280 of the law shall be made at the verbal request of the person interested in consulting it, provided he clearly states the estate or property rights whose status he desires to ascertain.

ART. 335. The books of the Registry shall not be exhibited to the persons who request it, except during the time they are not required by the Register for the service of the office.

Persons interested to whom the exhibition of books is refused, may apply to the Delegate, and the latter, after hearing the Register, shall order what may be proper.

ART. 336. Private persons who consult the Registry may take therefrom any notes they may consider necessary for their own use, but without copying the entries or requesting any assistance from the office whatsoever except the exhibition of the books.

ART. 337. Certificates of entries of all classes relating to definite property shall include all the records of ownership entered in the respective period, and all records and marginal notes of property rights to said estates within said period, which are not canceled.

ART. 338. Certificates of entries of a specific kind shall include all those of the same kind which are not canceled, stating that no others of the same kind are in existence.

ART. 339. Certificates of records of mortgages against certain persons shall include all those created and not canceled, on all the property whose ownership is recorded in favor of said persons.

ART. 340. In the certificates treated of in the three foregoing articles, and in those the object of which is to show that no entries of a certain kind exist, those canceled shall only be mentioned when the Judge or Court, or the persons interested, request it, and in the case prescribed in Article 292 of the law.

ART. 341. Mandates issued by ordinary Judges and Judge-Advocates who, in accordance with law, take cognizance of criminal causes which are tried before military courts, and requests for the issue of certificates, as soon as complied with, shall be returned to the Judges or Courts, or to the interested persons, as may be proper.

ART. 342. The requests and certificates shall be written on the proper stamped paper, in accordance with the rules prescribed for these matters.

ART. 343. In all cases in which, in accordance with the law, the persons interested in the records may complain of the Register to the President of an Audiencia or to a Delegate, it shall be understood that they have this option only when the President resides in the same town, and not when he resides in a town different from that in which the Registry is situated.

ART. 344. When the petition of the persons interested, or the mandates of the Judges or Courts, do not state with sufficient clearness and precision the kind of certificates demanded, or the property, persons, or periods which the latter are to cover, the Register shall return the petitions with a memorandum in the margin stating the data he considers necessary, and the mandates, with a communication requesting said data of the Judge or Court.

The Register shall proceed in a similar manner whenever he is in doubt as to the property or records the certificate must refer to, notwithstanding that the mandates or petitions have been drafted with due clearness, if, on account of any unforeseen circumstance, error or confusion is feared.

Authorities and public officials who require any certificate shall apply to the Judge of the subdistrict, who shall issue a mandate ordering the Register to prepare it without charging any fees therefor, if, the question having been examined by said Judge, he believes that it affects the public service in a direct manner.

ART. 345. If it is not stated in the petition or mandate whether the certificate is to be literal or in abstract, a literal certificate shall be issued.

ART. 346. Whenever any entry of presentation must be inserted in a certificate, because the instrument to which it refers is awaiting record, it shall be copied literally, no matter how the rest of the certificate is drawn.

ART. 347. Whenever any entry which must be inserted in a certificate has been corrected by another entry, both shall be literally inserted, fees being collected only for the entry in force.

ART. 348. Certificates shall be drafted in accordance with the proper models which accompany these Regulations, with the necessary details, according to the kind and circumstances of the records therein included.

ART. 349. Although the records which are to be certified to, refer to different estates or persons, they shall all be inserted in one certificate, unless the person interested requests that separate certificates thereof be given him.

ART. 350. Registers of property can not issue certificates of records in which they, their wives, or relatives within the fourth degree of consanguinity or the second degree of affinity, are interested. In such cases the representative of the Department of Public Prosecution shall issue the certificate under his responsibility, or, in his absence, a lawyer of the subdistrict, who has attained his majority, to whom the Register shall forward the petition, they receiving the proper fees in accordance with the Schedule.

TITLE X.

APPOINTMENT, QUALIFICATIONS, AND DUTIES OF REGISTERS.

ART. 351. Registers shall have the character of public officials for all legal purposes, but subject to the provisions of these Regulations.

The office of Register is compatible with the practice of law.

ART. 352. Registers shall be treated as "Excellencies" within their offices and in public instruments, in which they shall occupy the place immediately below that of the Court of First Instance. They shall use as an insignia on formal occasions an octagonal medal of silver of the same dimensions as those used by Judges of First Instance, bearing the Royal Crown and hanging from the neck by an emerald-green silk ribbon. On the obverse it shall bear the Royal Coat of Arms; on the reverse an open book surrounded by a ribbon forming a bow, besides the following inscriptions: *Prior tempore potior jure;* on the bow, *Register of property*, and on the lower part, *February eighteenth, eighteen hundred and sixty-one.* On informal occasions they may also wear their insignia on the lapel of their dress coat, the medal being reduced to a fourth part of its usual dimensions and hanging to a green silk cord, like the ribbon, with a white thread at the edges.

ART. 353. Registers to be retired with pension at their own request when they reach the age of 65 years must apply to the Government through the President of the proper Audiencia and the Registry and Notarial Division, by means of a petition ratified before the Judge of First Instance of the subdistrict, and accompanying therewith a certificate of baptism or of birth.

ART. 354. A Register who desires to be retired with pension on account of physical disability must address his petition to the President of the Audiencia, accompanied by a physician's certificate.

In view thereof, the President shall order the Delegate to have an investigation made by the Court and two more physicians.

After the investigation has been concluded, the person who made it must take an oath before the inferior Court, stating in due form:

First. With what disease the Register is afflicted.

Second. If it is of such a nature as to disqualify him from discharging his duties.

Third. If, in their opinion, the disability is permanent.

In view of this declaration the Delegate shall forward the proceedings to the President of the Audiencia, who shall transmit them with his report to the Division, which, taking into consideration the proofs submitted, shall propose that the retirement with pension be granted, or not, and the Government shall order what it may consider proper.

The Division and Presidents of Audiencias may officially order that proceedings be instituted for the retirement of Registers when there is reason to suppose that they are incapacitated, observing the rules established in the preceding paragraphs.

ART. 355. Petitions for retirement with pension, of officials of the Division, and those for pensions due them or due Registers and their respective families, shall be treated in the manner prescribed by general legislation for pensions.

ART. 356. Registers who desire to be placed on the suspension list shall forward their requests through the Presidents of Audiencias to the Registry and Notarial Division, stating for what period they desire it and the reasons therefor, being permitted to inclose the papers they may consider proper. The Division shall forward the petition to the Secretary with their report.

For the granting of these requests, the proportion and preference fixed respectively in the second and third paragraphs of Article 395 shall be taken into consideration. The retention on the suspension list shall be obligatory for the period requested, which can not be reduced nor extended in any case. After the period of the suspension has elapsed the appointment shall be made in the manner prescribed by Article 389.

Registers who have been on the suspension list can not again be placed thereon until four years have elapsed since their return to service. Such Registers shall not be included during the time of their suspension in the rolls of the Corps for the purposes of Article 365.

This article shall be applicable to the officials of the Division, with the following modifications: The petition shall be addressed to the Secretary, through the Division; for the purpose of simultaneousness and preference two separate groups shall be formed—the first by the Chief, officials, and clerks, and the second by the copyists; although the former figure on the rolls of the Division for the effects of Article 268 of the law, they shall not be included in the rolls of Registers for the purposes of the provisions contained in Article 365 of these Regulations.

ART. 357. Registers of property who desire to exchange their places with each other must address their requests to the Government through the President of the proper Audiencia.

To permit exchanges, the existence of the following circumstances shall be necessary:

First. That the persons who desire the exchange are in possession of Registries of the same class.

Second. That they are not relatives within the fourth civil degree of consanguinity or legitimate affinity in a direct or collateral line, a fact they shall state under their responsibility in their petitions.

Third. That good reasons for the exchange exist, and that they are shown.

If the foregoing circumstances obtain, the Division shall forward the papers in the case, with its report, to the Colonial Secretary for a definite decision.

The Government may agree to an exchange between Registers of different classes when extraordinary reasons therefor exist, and after hearing the proper Division of the Council of State, whose report shall be published in the Gaceta, together with the Royal Decree granting the exchange.

ART. 358. Registers of property of the Colonies and those of the Peninsula having been placed on the same basis by the Royal Decrees of June 27, 1879, and November 17, 1890, any exchange requested must be made in accordance with the following rules:

First. Registers of the Peninsula and of the Colonies who desire to exchange with each other shall request said exchange both of the Department of Grace and Justice and of the Colonial Department, in a petition signed by both persons interested, through the proper superior offices, which, after coming to a decision as to the advisability of the exchange with regard to the Register under their several jurisdictions, shall forward the papers in the case, with their report, to the proper Secretary for a definite decision.

Second. To grant an exchange between Registers of property of the Peninsula with those of the Colonies the circumstances must be present which are required by the rules in force in the Peninsula regarding exchanges between its Registers and the rules established by Article 297 of the law and 357 of these Regulations.

Third. When an exchange between Registers of different classes is under consideration, the Sections of the Council of State which report on the questions to the respective Departments, shall be heard.

Fourth. Exchanges shall be ineffective if either of the Registers does not take possession of his office within the period provided by the Regulations.

ART. 359. As soon as a Delegate receives notice of the vacancy of a Registry, or the suspension of a Register, he shall order that the representative of the Department of Public Prosecution in the subdistrict take temporary charge of the office, and in his absence or inability that his substitute take charge.

In towns where there is more than one inferior Court of First Instance, the Delegate shall place the Registry in charge of such representative of the Department of Public Prosecution as he may consider proper.

The representatives of the Department of Public Prosecution and the substitutes shall not be required in such cases to give bond.

After the representative of the Department of Public Prosecution or his substitute has taken charge of the office, the Delegate shall make an extraordinary inspection, citing the Register, should there be one, or otherwise his heirs or the persons representing them, in accordance with the provisions contained in Article 312; he shall begin by entering the facts mentioned in Articles 320 and 321, so that after the proper report has been made it may be turned over to the temporary incumbent, without prejudice to continuing the inspection in the manner prescribed in Articles 318, 319, and 322.

ART. 360. Presidents of Audiencias shall appoint temporary Registers as soon as any vacancies occur, or when they order the suspension of Registers, or when the temporary Register previously appointed dies or resigns his office. They shall immediately report these appointments to the Division, which may confirm them or make others. In all cases where the reasons for the temporary appointment are known by the Division before the Presidents of Audiencias have knowledge thereof, the former may at once make the proper appointments.

Temporary appointments shall be given, whenever it is possible, to persons who possess the conditions of fitness mentioned in Article 298 of the law, and when it does not appear that they are included in any of the cases mentioned in Article 299; but they can not be given to persons who are not lawyers.

Registers of property, who by force majeure are prevented from exercising their respective duties, and those who have already served as temporary Registers, shall be preferred for the provisional charge of Registries.

If the person temporarily appointed by the Division is in the Peninsula, he shall embark for his destination by the first official steamer.

ART. 361. When the vacancy in the Registry is caused by the death of the Register in charge, the Delegate shall advise the President of the Audiencia thereof, forwarding a list of the lawyers of the subdistrict who may be appointed temporary Registers.

ART. 362. Presidents of Audiencias in advising their Delegates of the appointments of temporary Registers shall order that, after they have taken the proper oath, they be given immediate possession, in accordance with the provisions of Article 359, and he shall designate the public institution in which the fourth part of their fees shall be deposited, if they have not previously given bond to the satisfaction of said President.

ART. 363. Presidents of Audiencias shall order the suspension of temporary Registers when there is sufficient reason therefor; of these orders, as well as of vacancies, they shall advise the Division by the first mail, which may confirm said suspensions, officially order them, in a proper case, as of their own motion, and order the removal of temporary Registers, when, in proceedings instituted for the purpose, some offense in the discharge of their duties or in their public or private conduct is proven; the decision of the Division in all these cases shall not be appealable.

ART. 364. For filling vacancies in the office of Registers of property, in accordance with Article 303 of the law, when they are once before the Colonial Department, the proceedings shall be instituted by the Registry and Notarial Division for each vacancy. If the vacancy is to be filled by promotion, an announcement shall be published in the Gaceta de Madrid, the period of four months being fixed for the filing of applications, which shall be addressed to the Secretary, through the Division, by the applicants or their representatives.

This period shall begin to run for the applicants of the Peninsula, as well as for those of the Colonies, from the day following the publication of the announcement.

If the vacancy is to be filled by competition, the call for the examination shall be published in the official newspaper of the place in which it is to be held.

When several vacant Registries are announced, the applicants may include them all in one petition, briefly stating the ones they request and their order of preference, in a proper case.

The order for the announcement of filling of vacancies in either manner shall be issued within fifteen days from the time they are known in the Department.

ART. 365. A book shall be kept in the Division for the purpose of entering therein the order of succession to which any vacancies occurring correspond, a special degree of succession being opened for Registries of each class.

To determine the order of succession to which each class belongs the date on which the Division received official notice of the vacancy shall be taken into consideration.

If official notice of two or more vacancies in the same class is received on the same day, the order of succession corresponding to each one shall be fixed by the date on which they occurred, and if they were simultaneous they shall be determined by the Division.

Vacancies in Registries shall be filled in accordance with the following rules:

First. For a Registry to be filled first in order of succession, the Register shall be appointed from among the applicants who are in the highest class, and if there are several of the same class, the one who has rendered the longest service therein, taking into consideration the limitations mentioned in the first and third rules of Article 303 of the law.

To compute the length of service in the class, the period previously served in the same or in a higher class by a person who, after having descended, returns to the same, shall be taken into consideration, in a proper case.

When two or more Registers who make application have a right to the appointment, being of the same class and having served an equal period therein, the one who has been in the Corps the longest period shall be appointed, and if their length of service in the Corps is equal the Government may select the one it may consider proper.

Second. For a Registry which must be filled second in order of succession, the Register from among the applicants who has served the longest period in the Corps and is not included in rule number 3 of Article 303 of the law, shall be appointed.

Third. When the Registry must be filled third in order of succession, the Division taking into consideration the circumstances of the Registers making application and observing the provisions contained in rules 2 and 3 of Article 303 of the law, shall prepare the proper list and shall forward it to the Government, so that it may select that one of them who is to be appointed.

The Colonial Department shall publish in the month of January of each year two rolls of the Corps of Registers, one in order of service in the classes and the other in order of service in the Corps.

For the purpose of this Article the Chief of the officials of the Division shall be classed as Registers of the first class; the first and second Assistant as Registers of the second class, and the third Assistant as a Register of the third class.

When the officials of the Division apply together, if they should have a right of preference over the other applicants of the class of Registers, the order corresponding to them in accordance with their special graded rolls, shall be observed.

The Department of Grace and Justice shall give information in regard to the length of service and class of the applicants from the Peninsula.

ART. 366. The competitive examinations for Registries of property, in the case mentioned in Article 303 of the law, shall be subject to the following rules:

1. The call shall be made by the Registry and Notarial Division of the Colonial Department, or by the President of the proper Audiencias, as soon as, the vacancy having occurred, said Division has decided in what order of succession it is to be filled, and it shall be published in the proper official Gazette.

2. The Board of Examiners, when the examinations are to be held in Madrid, shall consist of:

The Chief of the Registry and Notarial Division of the Colonial Department, or the person discharging his duties, who shall be the President; one Professor of Law; one Register of property; one lawyer and one official of the Division, who shall act as Secretary, all of them being appointed in accordance with a Royal order, by the Colonial Secretary, for each examination held.

The Board of Examiners, when the examinations are to be held in the Colonies, shall be composed of:

The President of the Audiencia, or, in his stead, the President of the Chamber, who shall preside; the prosecuting attorney of the Audiencia, or, in his place, the assistant prosecuting attorney; an attorney of the bar of the capital, appointed by the President of the Audiencia; the Dean of the Notarial College, or the Notary who substitutes him, and a Register of property of the Colony, to be appointed by the President, who shall act as Secretary.

The appointments of the members to constitute the Board shall be published in the proper official Gacetas.

The office of a member of the Board in question shall be honorary and without pay.

3. The first examination shall consist in answering twelve questions, drawn by lot and relating to the following subjects: Four to Mortgage Legislation; three to Civil Law; one to Notarial Law; one to Commercial Law; one to Administrative Law; one to legislation regarding the tax on transfers of property and property rights, and one to judicial proceedings.

The second examination shall consist of preparing an essay on a subject drawn by lot from among 85 contained in a bag, relating to Mortgage Legislation, Notarial Legislation, Civil Law, and Commercial Law.

The practical examination shall consist of doing all the work required to record a document, or to refuse to record it, or to suspend an entry.

4. For each competition the Division shall publish the proper list of three hundred questions for the first examination and of 85 subjects for the second, and shall take care to forward the same in due time to the proper authorities.

5. For the third examination, one of the competitors shall select a number from among ten, relating to the same number of practical cases; and, in view of the facts, of which a copy shall be given each one of the competitors, they shall execute, within the period of eight hours

and under the surveillance of the Board, the proper work of the Registry until the return of the document, delivering their work to the person designated by the Board, who shall seal each set of papers in the manner prescribed in rule 13 of Article 307 of these Regulations. The competitors may make use of books. On the day fixed by the Board the competitors shall read their own work in public.

6. The Board shall propose for the vacant places the competitors who have obtained the first numbers, so that the place requested in the first place by the person interested shall correspond to number 1, the following one to number 2, and so on.

7. The following rules of Article 307 shall be applicable for these examinations, which, together with those contained in the present one, shall be published in each call, viz, 2, 3, 5, 10, 11, 12, 13, 15, 16, 17, 18, 21, 22, and 23, it being understood that in rule 2, when the examinations take place in the Colonies, the President of the Audiencia shall be substituted for the Division, and the Gaceta of the proper Province for the "Gaceta de Madrid;" that in rule 3 Presidents of Audiencias shall take the place, in a proper case, of the Chief of the Division; that in rule 12 rule number 6 cited therein, is rule number 3 of the present Article, and that in rule 22 four members of the Board are required to be present to hold sessions instead of five.

ART. 367. Appointments of Registers of property, by promotion or through competitive examinations, shall be made within the month following the termination of the competitive examination, or after the recommendation of the Board has been submitted.

All appointments of Registers by virtue of competitive examinations, transfers, or exchanges must be published in the Gacetas of Madrid and of the proper Colony.

ART. 368. Registers who request their transfer to other Registries, either by promotion or exchange, shall acquire from the time of their appointments the class of the Registry they obtain, and shall lose that of the Registry they are leaving, for the effects of Article 303 of the law. After the new appointment has been officially communicated, and after an order from the Delegate, they must leave their duties in the Registry, and the representative of the Department of Public Prosecution shall take charge thereof in the manner prescribed in Article 359, the Register being obliged, however, to remain in the same town to assist in the extraordinary inspection, until the facts mentioned in Articles 320 and 321 have been entered.

After the appointment of a Register of property has been made, the person interested shall receive the proper certificate, if he enters the Corps or ascends a class. Those who, having descended a class, return to the same, shall require a new certificate.

ART. 369. If the person interested is in Europe he shall be allowed sixty days from the date of his appointment to take passage for his destination. If he is in any of the Colonies he shall be allowed the

same period to embark, computed from the date of the approval of the Governor-General of the order containing the new appointment, being permitted to remain in Europe thirty days, in the latter case, after his arrival.

The Register elect must forward to the Registry and Notarial Division all certificates of departures and arrivals at his destination, and give an account of his residence in Europe during his stay there.

Registers elect, who are in the Peninsula or in the Colonies, shall have a right to an official passage, as an advance from the State, should they so desire; but in such case they shall reimburse the amount thereof by paying 15 per cent of the income of the Registry. The proper Treasury authorities of the Colonies shall see that the foregoing provisions are complied with.

ART. 370. In order to take possession, and after the proper bond has been approved, they shall be allowed the period of thirty days from the date of their arrival in the Colony of their destination.

Said period may be extended by the President of the Audiencia for good reasons, duly proven.

ART. 371. The bond may be given in money, public securities, or in estates.

The shares of the public debt, or any other which by special or general provisions of the Government are admitted to guarantee obligations in favor of the State, shall be considered as public securities.

Public securities offered as bond shall only be admitted for the highest published price they may have reached, according to the latest official quotation known on the day the deposit is made.

ART. 372. The bond consisting of public securities may be deposited in the General Depository as an obligatory deposit, with the following statement:

Bond furnished by N. as security for his administration as Register of property of ———, of the district of the Audiencia of ———, at the disposal of the President of the same.

The bond consisting of cash shall be deposited in said institution, or in the one designated by the Government for such cases, in the capital of the respective Colonies.

ART. 373. The bond consisting of estates shall be constituted by a mortgage in the manner prescribed by Articles 127 of the law and 66 of these Regulations, which shall be created by the owner of the property for the amount fixed for the Registry, and 50 per cent more for costs and expenses, in a proper case, stating that it remains at the disposal of the President of the proper Audiencia, as security for the faithful discharge of his office by the Register elect.

After the mortgage has been executed it shall be presented in the Registry of property for record, if proper.

ART. 374. After the bond has been constituted in cash or public securities the Register elect shall present to the President of the proper

Audiencia the certificate of his appointment, the receipt for the deposit, and, in a proper case, the latest official quotations of the Exchange.

If the bond has been given in property the Register elect shall present the mortgage with the proper certificate, also a detailed certificate of the incumbrances dated subsequent to the record of the former, and another certificate issued by the Treasury of the Colony, stating the income of the mortgaged property, which may have been calculated during the last five years in the assessment made for the land tax.

The President of the Audiencia, taking into consideration the amount of the bond fixed for the Registry, shall examine the respective documents, and shall issue a decree either approving or admitting it, or declaring that this can not be done, stating in the latter case the defects contained.

The receipt for the deposit shall be returned to the person interested, a certified copy thereof remaining in the office of the Audiencia.

In order to permit the approval of the mortgage bond, it shall be necessary that the annual rental of the property, capitalized at 4 per cent according to the certificate of the Treasury Department, its selling value shall exceed double the amount of all the incumbrances thereon, including that of the new bond.

The decision issued by the President of the Audiencia shall be communicated to the person interested on the day following its date. If it is not favorable to the admission of the bond, the Register elect may appeal to the Division, correct the defect contained in said bond, or constitute another, within the period prudently fixed by the President of the Audiencia.

In case of an appeal, the President of the Audiencia shall forward all the papers in the case, with his report, to the Division for the proper action.

If their decision is confirmatory, the person interested must correct the defect or constitute a new bond within the period fixed by the Division.

ART. 375. The Register elect, who prefers to make use of the privilege allowed him by Article 305 of the law, shall apply to the President of the Audiencia, presenting his proper certificate and requesting that the public institution be designated in which the fourth part of his fees shall be deposited.

The President of the Audiencia shall issue the proper order, so that these deposits may be admitted as obligatory and as a bond to answer for the faithful discharge of their duties.

ART. 376. Registers shall make said deposits in the manner and at the times they may consider convenient, provided, that at the quarterly inspection they present a receipt for the fourth part of all the fees collected from the time of the last visit until five days before the actual one.

In the report of ordinary inspections, an express statement of this fact shall be made.

As soon as the part of the fees deposited by the Register is sufficient to cover the amount fixed for the bond of his office, said bond shall be constituted with this amount in the ordinary manner, and the obligation to make further deposits shall cease.

ART. 377. Registers of property may at any time exchange their respective bonds for any of those mentioned in Article 371, for which purpose they shall request it of the President of the proper Audiencia, who shall not issue the order for the return or cancellation, in a proper case, until he has previously approved the one newly constituted, in accordance with the provisions contained in the present title.

ART. 378. The bond furnished for one Registry shall serve for any other the person interested may obtain, without prejudice to the increase necessary therein, if the Registry he is to take charge of requires a higher bond.

ART. 379. After the bond has been approved, or the public institution in which the fourth part of the fees is to be deposited is designated, the President of the Audiencia shall order that the certificate of the Register elect be approved and that, after the proper oath, he be given possession by the Delegate, for which purpose he shall issue the proper order.

ART. 380. Registers shall, before the proper Delegate, take an oath of allegiance to the King, and for the fulfillment of all the obligations imposed upon them by law.

After the oath has been once taken, it shall not be necessary to take another for the purpose of taking possession of other Registries.

ART. 381. The Delegate, by virtue of a letter containing the order from the President, and before taking the oath, in a proper case, shall install the Register appointed, requiring that the books and papers of the Registry be delivered to him according to the inventory, in his presence and before the proper Clerk or Secretary, making a memorandum of the delivery.

The original of this memorandum shall be sent to the President of the Audiencia, a certified copy remaining in the possession of the Register.

ART. 382. The Register elect, who, without just cause, duly proven, allows the periods fixed for his departure, to give bond, or to take possession, to elapse, shall be considered as having resigned, and shall lose the right acquired by his appointment.

ART. 383. The Division shall keep a record of each Register, in which, besides the facts regarding his appointment, there shall be stated—

First. The errors they commit and which appear in the report of the inspections, or in the communications of the Presidents of the proper Audiencias.

Second. The administrative or judicial actions instituted because of their conduct.

384. In order to obtain the return of the bond given by Regis- operty, the person interested, or his heirs, must request the

Judge of First Instance of the subdistrict in which he last served, to publish the request in the Gaceta de Madrid and in the official newspapers of the proper Colonial province, every six months for the period of three years; the Register must have ceased to discharge the duties of his office; persons who may have any claim to present shall be cited, so that, within the period mentioned, they may file them with the Judges of First Instance of the subdistricts in which the former may have served, for which purpose all said subdistricts shall be mentioned in the announcement.

After the period has elapsed without any claims having been presented, the proper certificate shall be prepared by the President of the Audiencia, and another by the Treasurer of the Province, stating that in addition there is no claim against the Register for any liability contracted in the discharge of his office.

When the return is requested by a temporary Register it shall be announced every month for the period of six months, and after this period has elapsed the return shall be ordered, if it be proper.

A Register who has had charge of different Registries and requests the return of his bond shall prove that the latter is not subject to any liability, and that the period fixed in Article 306 of the law has elapsed, by means of certificates issued by the Judges of First Instance in whose subdistricts he has discharged his duties.

The return shall be made by virtue of an order issued by the President of the Audiencia.

ART. 385. The removal of Registers shall legally take place when it is declared by a judicial judgment, or when a correctional or punitive penalty has been imposed; and it may be ordered by the Government when there is sufficient cause therefor.

ART. 386. The following shall be considered sufficient causes for the order of removal of Registers:

First. For having declared themselves or having been judicially declared in bankruptcy or assignment.

Second. For not being worthy of holding the position by reason of their depraved conduct, dishonorable behavior, or by reason of habitual negligence in the discharge of their duties.

Third. For being absent from the town in which the Registry is situated without the proper leave or permission; for seriously disobeying the orders of their superiors regarding the exercise of their duties, or for lack of proper hierarchical subordination.

Fourth. For having been disciplined three times in the capacity of Registers.

Fifth. For being debtors to the public funds as taxpayers.

Sixth. For not having paid the indemnity referred to in Article 323 of the law within the ten days following the notice of the final judgment contained in the sentence.

Seventh. For not having the indices of the Registry up to date.

Eighth. For ostensibly acting against the institutions governing the country.

ART. 387. The following are sufficient causes for the transfer of Registers:

First. For not being in good repute with the public.

Second. For taking part in politics of the district, excepting the exercise of the right of suffrage.

Third. Any other special and serious occurrences or important considerations of the public order.

ART. 388. When the Division, or the Presidents of the Audiencias, receive notice that some Register has given cause for his removal or transfer, they shall order the proper Delegate to institute proceedings, in which the local authorities and such persons as are considered proper by the President of the Audiencia shall be heard.

After the necessary evidence has been collected, the Delegate shall forward the same, with his report, to the President; and, should the latter consider that the charges against the Register are not well founded, he shall forward it to the Division.

If he considers removal, transfer, or discipline proper, he shall formulate the charges, and shall give a copy of the evidence to the person interested, so that within the period of eight days he may answer it and submit his proofs, which must be given to the Delegate, a reasonable period being fixed for this purpose. After proofs have been submitted, the papers shall be returned to the President of the Audiencia, who shall forward them with his report to the Division, which shall propose the decision they may deem advisable.

Should it be unfavorable, the evidence shall be forwarded to the proper Section of the Council of State for consultation.

The Government, in view of all this, shall decide as it may deem proper.

In cases of transfer, the Register can not again, by way of promotion, return to the Registry from which he is removed.

In cases where the removal is legal, the Judges and Courts shall forward a certificate of the decision to the Division.

The President of the Audiencia shall report to the Division the decree ordering the proceedings, stating his reasons therefor.

ART. 389. After the transfer of a Register has been ordered it shall take place as soon as there is a vacancy in the same class which has not been announced.

The Register transferred does not rise a degree in classification for the effects of Article 365 of these Regulations.

If the Register transferred does not appear to give a bond or to take possession within the legal periods he shall be understood to have resigned, and shall be definitely dropped from the Corps of Registers.

ART. 390. From the decision rendered in the administrative proceedings for the removal or transfer of Registers or the removal of officials

of the Division the persons interested may bring the proper administrative action for the hearing of disputes.

ART. 391. Registers shall not absent themselves without permission. Delegates may grant Registers leaves of absence for eight days.

Notwithstanding the provisions contained in the preceding paragraph, Registers of property are hereby authorized, when it is necessary, to absent themselves from the town of their residence for the purpose of depositing the amount collected by way of taxes on property rights and transfers of property, without leave or permission previously being obtained from any person whatsoever, but in such cases advising the Delegate, by means of a communication, of the day they are going to be absent, as well as of the reason therefor and leaving the substitute in charge of the Registry. In these absences said Registers can not spend more time than is reasonably necessary to execute their duty, and on the day of their return they shall advise the Delegate that, having performed their duty, they again take charge of their office. The Judges delegated shall report to the Division whenever Registers absent themselves by virtue of the authority granted them, as well as of the time of the absence and the reasons therefor.

In no case shall leaves of absence be granted if a substitute is not left in charge of the Registry.

Leaves of absence not taken advantage of within a month from the date on which they were granted shall be forfeited, counting from the date on which the persons interested receive notice thereof.

They shall also be forfeited when the substitute resigns his office, or when it is impossible for him to continue therein, and when there is no person to take charge of the office under the responsibility of the Register.

The Delegates shall report to the President of the proper Audiencia, and the latter to the Division, the date on which Registers make use of the leaves or permission granted them to absent themselves, and of the day on which they again take charge of the office, so as to enter the same on the proper personal records.

ART. 392. Registers may request leaves of absence in order to absent themselves from their duties in the Registry on account of sickness, or for any other serious cause which forces them to temporarily absent themselves from the town where they reside.

ART. 393. Requests for leaves of absence shall be addressed to the President of the Audiencia through the Judge of First Instance.

If a leave of absence is requested on account of sickness, a certificate of the physician shall be sent with the request, justifying the same.

ART. 394. The Judge in forwarding the request for leave of absence may make any observations he may consider proper regarding the reasons therefor, and whether the absence of the Register will affect the service. Before making this report, the Judge shall ascertain whether the substitute appointed can take the place of the Register.

ART. 395. The President of the Audiencia, should he deem it advisable, and in view of the report and information he may receive regarding the truth of the facts alleged, may grant a leave of absence not to exceed two months.

This leave of absence can not be extended, and may be enjoyed within or away from the respective Island once only during each year. It shall be computed from the date on which Registers turn over their offices to the substitute, and shall end after two months, at which time they must again have taken charge of the Registry. These leaves of absence can not be granted simultaneously to more than one-fourth of the number of the Registers belonging to the jurisdiction of each Audiencia, undividable fractions being considered in favor of the Registers.

To obtain leaves of absence in cases incompatible with the proportion prescribed in the foregoing paragraph, that official shall be preferred who has for the longest time been without leave of absence.

The Registry and Notarial Division may also grant the leaves of absence referred to in the foregoing article, in accordance with the provisions contained in the two preceding paragraphs.

ART. 396. Registers who have not had any leaves of absence for two years may the following year obtain a leave for four months, which can not be extended either within or without the Island. This leave may only be granted by the Colonial Secretary, or advanced by the Governor-General in cases of urgency, and with the requisites prescribed in the preceding article, except in the manner of computing the time thereof, if it is to be taken outside of the respective Island, in which case it shall begin on the date of departure from said Island and shall end on the day of the direct return to the same from the point to visit which the leave of absence had been requested.

Registers who have not had any leave of absence for three years may the following year be granted six months. Should they not have had any leaves of absence for six years, they may obtain eight months, and twelve months if they have not had any for ten years. All leaves of absence treated of in this paragraph can not be extended, and shall be granted by the Colonial Secretary or advanced by the Governor-General, in accordance with the rules contained in the preceding article, with the exception of the computation of time, it being understood that they begin on the day of the arrival at the point for which they were requested, if the trip is a direct one, and that they end on the date of their direct departure for their residence. In case the voyages are not direct, the leave of absence shall begin on the day of the departure from the respective Island, and when the leave ends the Registers must be found in charge of their offices.

Registers shall forward to the Registry and Notarial Division the certificates of departures and arrivals issued by the Captains of Ports, or Consuls of Spain, according to the case, of their trip to the point where they are to enjoy their leave, as well as of their return to their

duties, so as to show the dates on which they begin and end their leaves of absence, being also required to give an account of their residence during the period of their leave.

ART. 397. The leave of absence granted a Register shall be invalid if, before making use thereof, or being on leave, he is transferred to another Registry, an order of ratification being necessary to allow him to use it or to continue enjoying it until its end, according to the case. In all cases the date of departure from the point where the official happens to be shall be taken into consideration, to include it within the leave of absence, the latter not being ratified if said period is greater.

ART. 398. Any voluntary detention or interruption of the voyage on the return trip, after having made use of the leave of absence, shall be just cause for the removal proceedings of the Register interested; these proceedings shall also be instituted when, the leaves having expired, the Registers shall not have proven their departure for their destination. For no reason whatsoever shall the passage be advanced to Registers making use of their leaves of absence, no matter for what cause the leave is granted and to what point they are going.

Commissions for service outside the respective Island, and any form of authorization whatsoever, other than that established in the preceding articles, requested by Registers, to absent themselves from the point of their official residence, are prohibited.

ART. 399. Governors-General and Presidents of Audiencias, in a proper case, shall report to the Secretary or to the Division concerning the leaves of absence they advance or grant to Registers, stating the reasons therefor, as well as the ones they refuse, also stating the reasons for said refusal.

In the record of each Register, leaves of absence which are requested or granted shall be noted.

ART. 400. Any Spaniard, who is a layman, over 25 years of age, may be appointed the substitute of the Register, excepting Notaries and Court Clerks (Escribanos de Actuaciones).

ART. 401. Whenever a substitute is to take the place of a Register of property, the Delegate shall previously be advised thereof, stating whether the substitution is made on account of sickness or legitimate absence, the only reasons which can authorize it.

In case of the death or physical disability of the substitute who is legally in charge of the Registry, the representative of the Department of Public Prosecution shall immediately take charge of the office until the Register returns, appoints a new substitute, or the disability disappears.

ART. 402. A substitute who takes the place of a Register during his absence or sickness shall not be entitled to any other recompense than that which may have been agreed to with the Register and to be paid by him.

ART. 403. If, when a Register requests leave of absence, the substitute appointed is incapable of taking his place, the Judge shall state this fact in his report, and the President shall suspend his decision until he has approved the appointment of another substitute.

ART. 404. The provisions contained in Articles 80, 277, and 350 of these Regulations shall be applicable, even if on account of the absence or sickness of the Register the substitute is in charge of the Registry.

ART. 405. For the carrying out of the provisions contained in Article 310 of the law, Registers in making the tables required therein shall observe the following rules:

First. The statements shall include all the facts which appear in the instruments presented in the Registry during the year, whatever may be their date, provided they have been recorded during the same period. The documents awaiting record within the legal period for the previous year shall be included in the tables of the same.

Second. Cautionary notices shall not be included in the tables.

Third. In recording in their proper places the fees of Registers, all those earned shall be entered, even if for any reason whatsoever they have not been collected. Therefore, not only shall those earned for the record or principal entry be included, but also all those occasioned by the document, such as the entry of presentation, marginal notes, memoranda at the foot of the instruments, etc.

Fourth. The absence of any of the facts required by the tables, as well as any particular point relating to the statistical service, shall be concisely and clearly stated, by means of a memorandum, for the purpose of its decision and the effects resulting therefrom.

Fifth. At the foot of each table the date of its compilation shall appear, the Register shall affix his full signature thereto, and it shall be stamped with the stamp of the office. Registers shall also take into consideration the observations referring to each of the tables which appear at the foot of the respective forms.

There shall be made in the personal record of the Register to whom it refers a memorandum of all favorable or unfavorable mention to which the statistical service may give rise.

TITLE XI.

RESPONSIBILITY OF REGISTERS.

ART. 406. Registers shall be subject to disciplinary jurisdiction in the manner prescribed by these Regulations.

ART. 407. The disciplinary jurisdiction over Registers of property shall be exercised—

By the Presidents of Audiencias.

By the Colonial Secretary, in accordance with a report from the Division.

ART. 408. Registers of property shall be disciplined—

First. When, by word, letter, or act, they show disrespect to their hierarchical superiors, Delegates being such for this purpose, whether they are Judges of First Instance or Municipal Judges, Inspectors, Presidents of Audiencias, or the Registry and Notarial Division.

Second. When they are tardy or negligent in the fulfillment of their official duties.

Third. When they are guilty of a breach of decorum within or without the office.

Fourth. When their moral conduct or their vices lower them in the esteem of the public, and the Government does not make use of the privilege granted by Article 308 of the law.

Fifth. When, in performing the work of the Registry, they infringe upon the legal provisions, and the Government does not make use of said privilege.

ART. 409. The correction of Registers of property may be requested—

By private persons even when they are not directly injured.

By Delegates.

By Presidents of Audiencias.

By the Division.

ART. 410. The proceedings for the purpose of imposing a correction shall be in accordance with the following rules:

First. Private persons shall file their complaint with the proper delegated Judge, accompanying therewith the documents on which it is based, or stating the proof they may consider proper, which must be made within the period of eight days. The Delegate shall submit everything to the Register, so that within the period of three days he may answer in writing and submit, should he desire to do so, proofs to the contrary, which must also be investigated within the period of eight days; and on the day following he shall forward the papers in the case, with his report, to the President of the Audiencia, who may require new facts if he considers it necessary, and in view of everything shall declare that there is no cause for the correction, or shall impose the correction he may deem proper, in accordance with the provisions contained in Article 415. From the resolution of the President of the Audiencia an appeal lies to the Secretary, who shall decide after hearing the Division. This decision shall be final.

Second. A similar procedure shall be observed when the correction is officially requested by Delegates or Presidents of Audiencias.

ART. 411. The Secretary, at the instance of the Division, may discipline Registers of property, without first instituting proceedings, by a warning, reprimand, or fine, when they are guilty of insubordination or disrespect to the Division or to the orders from the same.

In the case of No. 4 of Article 408, the Division must transmit the facts to the Delegate, through the President of the Audiencia.

The Delegate shall institute the proceedings in the manner prescribed in the foregoing article, with the only difference of forwarding the

papers with his report to the Division through the same channel, so that it may propose what is proper.

ART. 412. The period within which to enter an appeal against the decree of the President of the Audiencia shall be one month, computed from the day following the one on which the imposition of the correction is communicated.

The appeal shall not be admitted if it is not first shown that the fine imposed has been paid.

ART. 413. The proceedings instituted for the offenses referred to in No. 5 of Article 408, shall be in accordance with the provisions contained in the law and these Regulations.

Said proceedings shall be officially instituted, no schedule fees being collected by virtue thereof when the offense denounced is wholly or partially proven. If the complaint or denunciation has been finally declared manifestly improper, said fees shall be paid by the person who instituted it.

ART. 414. The other proceedings shall always be officially instituted, and without the collection of any schedule fees.

ART. 415. Presidents of Audiencias may impose the following disciplinary corrections on Registers of property:

Warning.

Reprimand.

Fine, not exceeding 500 pesos.

The Secretary may, besides, impose the following:

Suspension for a period of from three months to one year.

Forfeiture of promotion and transfer for a period of from one to three years.

These corrections shall only be imposed for the offenses embraced in Nos. 4 and 5 of Article 408.

In the case of suspensions, the appointment of a temporary Register shall immediately be made, in accordance with these Regulations.

ART. 416. Warnings and admonitions made to Registers in decision of administrative appeals, against the determination as to the legality of documents made by them, shall not be understood to be disciplinary corrections.

ART. 417. Presidents of Audiencias shall report to the Division the institution and the result of proceedings, so that they may be entered in the personal records of the proper interested persons.

ART. 418. Besides the suspension which may be imposed in accordance with Article 415, Registers shall be administratively suspended from their offices:

First. When they have not deposited a quarter of the fees earned, as prescribed by Article 274 of the law.

Second. When, having been sentenced by a final judgment to indemnify loss and damage, they do not replace the bond or secure to the claimants the amounts of their respective judgments within the period fixed by Article 326 of the law.

Third. When a civil action against a Register, for offenses committed in the exercise of his office having been admitted, and a cautionary notice against his property having been decreed, in accordance with Article 328 of the law, the latter is rendered ineffective because he does not possess any property, or if he does not sufficiently secure the amount of the judgment, as prescribed by Article 326 of the law.

Fourth. When a Register, having been tried criminally, is sentenced to imprisonment, and the sentence is executed, or he remains at liberty under bail.

Fifth. When proceedings for removal are instituted in accordance with Article 308 of the law.

In the first, second, third, and fourth cases of this article the suspension shall be ordered by the President of the proper Audiencia, and in the fifth case the Secretary shall order it, if he considers it proper.

ART. 419. A Register who is suspended from his office for any of the reasons mentioned in the fourth and fifth cases of the preceding article shall have a right, if the suspension is subsequently raised, to a full half of the fees collected by the temporary Register, who must for this purpose deposit the amount indicated monthly in the Government office of the Court of First Instance, at the disposal of the President of the Audiencia.

A temporary Register can not, in the cases of the preceding article, devote to the payment of the Assistants a greater sum than that fixed by his predecessor for the same purpose, without obtaining special authority therefor from the President.

ART. 420. The final judgment requiring the Register to indemnify the damage caused by his acts to private persons, shall not be published in the Gaceta de Madrid nor in the official papers of the proper Colony, if within the period of eight days, computed from the date of the notification, the payment of the amount due is made, or the amount necessary for this purpose is deposited.

When the Chambers of Justice of the Audiencias issue a final judgment sentencing a Register to make good any loss or damage, they shall order, at the same time the latter is communicated to the persons interested, that a copy thereof be forwarded to the proper Audiencia, so that, in view thereof, he may adopt the measures he may deem necessary as soon as practicable.

TITLE XII.

FEES OF REGISTERS.

ART. 421. The fees earned in accordance with Title XII of the law are the absolute property of the Registers, and they may be demanded at once, and in specie.

ART. 422. For any illegal exaction of fees, the persons interested may bring a judicial action in the proper manner and before the proper

person, in accordance with law, according to the amount for which action is brought.

When the action is decided by a final judgment, the Register shall be liable for the return of double the amount of the excess, which shall be paid in the proper paper of fines with costs.

This provision shall be understood without prejudice to the prescriptions contained in Articles 409 of the Penal Code for Cuba and Puerto Rico, and 398 of that for the Philippines, when a criminal action is brought on account of the illegal exaction of fees.

A report shall be given the Colonial Department of all final judgments rendered, regarding the illegal exaction of fees by Registers.

ART. 423. In order that the Register may demand the fees earned in accordance with the provisions contained in Article 335 of the law, the person in whose favor the right has been recorded or entered, or the certificate has been issued, or the person who requested said record, shall be considered as directly interested.

If, after the record or entry of an instrument has been made and another is presented, transferring the ownership of the same estate, or right charged thereon, and for which the Register has not received the fees for the record, he can not decline to make the entry or record requested; but the person in whose favor the new record or entry is made shall remain under the obligation to pay the fees earned and not collected for the record of the first instrument.

ART. 424. When the instrument presented in the Registry for record or entry does not state the value of the property or property right charged thereon, the interested persons must annex thereto a document showing said value, or, in the absence thereof, a declaration sworn to and signed, in order that the Register may adjust his fees in accordance with the schedule, the signers being responsible for any imposition or fraud committed.

When the Register has good reason to believe that in the instrument presented, or in the document or declaration annexed thereto, the true value of the property was incorrectly stated, to the detriment of his interests and to those of the Treasury, he may request of the Municipality or Assessment Board, and it must furnish to him an official memorandum of the supposed annual rental of the property, according to the Assessment lists. If from this rental, capitalized at 3 per cent on agricultural property and at 5 per cent on city property, it should appear that in fact, the estate has a greater value, he shall collect his fees in accordance with the latter, and shall include in the record or entry, besides the value given by the parties, the appraised value, according to the facts submitted, filing the memorandum in the proper package.

If, in the case mentioned in the preceding paragraph, the Municipalities or Boards have not forwarded the official memorandum of the supposed value of the property before the certificates are to be delivered or before the effects of the entry of presentation lapse, the Registers may

collect their fees in accordance with the value given the property in the immediately preceding record.

For the adjustment of the fees to be collected for entries of attachments, the amounts for which the writs were issued shall be considered by Registers of property, when the value of the estate or property right entered is sufficient to cover said sum; should it not be sufficient, it shall be adjusted to the value of the estate or property right which is the subject of the entry.

ART. 425. The State, Province, and Municipality shall defray the fees for records ordered by them, relating to property or property rights which are subject to record, in accordance with Article 24; but when they refer to estates which are alienated, the amount thereof shall be included in the expenses of the auction proceedings, which must be defrayed by the purchasers.

ART. 426. In order that a Register may collect his fees judicially, in accordance with the provisions contained in Article 336 of the law, he shall prepare the proper statement, giving the name and surname of the debtor, kind and date of the work done in the Registry for which the fees are earned, the amount of the latter, and the numbers of the Schedule applied.

The Register shall present a petition to the Municipal Judge or to the Judge of First Instance of the subdistrict in which the Registry is situated, according to the amount of the claim, annexing thereto the statement mentioned in the preceding paragraph, and the proper Judge shall issue the mandate, proceeding afterwards for the judicial collection, in the manner prescribed by the Law of Civil Procedure.

When the Register has several claims against one or more debtors, they may all of them be embraced in one statement; and to determine the competency of the inferior Court, the total amount of the claims mentioned shall be taken into consideration.

ART. 427. When the person who is to pay the fees earned by the Register considers that they are excessive he may appeal to the President of the proper Audiencia, requesting that they be adjusted, and declare what fees the Register shall collect, depositing beforehand in the office of the Court of First Instance the amount thereof. The President of the Audiencia shall request a report of the Register and shall decide as he may deem just.

If judicial proceedings for collection have been instituted, and the person interested does not agree with the account of the Register, he may bring the action referred to in the preceding paragraph before the inferior Court having jurisdiction of the question, which, after the amount has been deposited or the attachment executed, shall suspend the proceedings and forward the case to the President of the Audiencia for the proper decision, after taking the steps mentioned in the foregoing paragraph.

The persons interested may appeal from the decisions of Presidents of Audiencias to the Registry and Notarial Division.

ART. 428. An action for the collection of fees shall be barred after three years, computed from the date on which they were earned by the Register.

ART. 429. The official stub books shall be supplied to Registers by the Division, the former paying for them. The Registers must not collect any fees whatsoever without giving a detailed receipt to the person paying them, who shall sign the stub to be kept in the office, stating that he agrees thereto. Should he not know how to sign, a witness shall do so at his request. The omission of these requisites shall make the collection illegal and subject the Register to the consequent liabilities.

TITLE XIII.

RELEASE FROM EXISTING INCUMBRANCES.

ART. 430. Registers shall not admit any request the object of which is to release charges or incumbrances recorded in the old books.

ART. 431. In order that the incumbrances treated of in Article 349 of the Law may be the subject of proceedings to clear the title, it shall be indispensable that when said proceedings are instituted they are not possessed by the legal representative of the persons in whose favor they are recorded.

ART. 432. In the institution of proceedings for clearing title, which in accordance with Articles 358 et seq. of the Law is the attribute of Registers, the latter shall consider as material the differences they may find between the contents of the instruments presented to them for the institution of said proceedings to clear the title and the books of the Registry for the effects mentioned in rule number 3 of Article 361 of said Law, when they notice any considerable difference in the area of the estate, in the number of its trees or plants, the amount of the property right in the period of possession of each person, or when in the instrument any incumbrance is omitted which appears uncanceled in the Registry.

If the person interested considers himself injured he shall make use of his privilege by bringing administrative action or instituting judicial proceedings.

ART. 433. To carry into effect the notices prescribed by rules numbers 5 et seq. of Article 361 of the law, the following shall be observed:

First. When the person to be notified resides, even temporarily, in the same town in which the Registry is situated, if he appears at the proper time and voluntarily in the office, he shall be notified.

Second. If he resides in the town in which the Registry is situated, or in any other of the same subdistrict, and he should not present himself for the purpose voluntarily and at the proper time, the Register shall communicate with the Municipal Judge of the town of his residence, transmitting a copy of the material part of the petition, in order that, in accordance with the prescriptions contained in Articles

508 and 509 of the Law of Civil Procedure for the Philippines, and 524 and 525 of that for the Antilles, the former may appear before the Register in order to be notified, with a warning that if he does not appear within the period fixed he shall be liable for any damage that may arise.

Third. The Municipal Judge shall return to the Register the copy referred to in the foregoing rule, with the papers, showing that the citation mentioned in the same rule has been made, which papers the Register shall annex to the petition, in order that they may supply the effects of the notice, if the latter is not served, because the person to be notified can not be found.

Fourth. If the latter resides in a different subdistrict from that in which the Registry is situated, the Register shall forward the communication and the copy mentioned to the proper Judge of First Instance, so that he may order that said papers may be executed and returned in due time by the proper Municipal Court.

Fifth. The notice shall be served in the office of the Registry, unless the persons to be notified are officials, in which case it shall be served at their residence, after a proper courteous notice.

For the work done by the Register in compliance with the provisions contained in this article, fees shall be earned in accordance with the judicial schedules in force for Clerks (Actuarios) of Courts of First Instance for the institution of administrative proceedings.

Sixth. When there is proof of any unidentified interested persons, the Register shall forward to the Municipal Judge the edicts which are to be posted or published in the same locality, or in any other of those embraced in the same subdistrict; and with regard to those which are to be posted or published outside of the same, the Register shall forward them to the proper Judge of First Instance, so that he may order said publication.

Municipal Judges, after having made this publication, shall return the papers, stating this fact directly, or, in a proper case, through the Judge of First Instance of the subdistrict.

ART. 434. The memorandum which, in accordance with the provisions contained in Article 375 of the law, must be made by the Register in the margins of the special Registries of the estates, shall be made opposite the last entry of ownership of the estates or the right cleared in the following terms:

The mortgage (annuity (censo), or whatever it may be), which appeared to encumber the estate (or property right) in favor of ———, consisting of ———, has been extinguished by virtue of a judgment for clearing the title, issued by the Judge (or Court) of ——— on the —— day of ———, at the instance of ———, as appears by a certified copy issued by ———, on the —— day of ———, which has been presented in this Registry, on the —— day, at —— hour, as appears from entry of presentation number ——, folio —— of volume ——— of the Day Book ———, and it is filed in the proper package under number ——. (Date, surname, and fees.)

The Register shall also make the proper marginal note, in compliance with the prescriptions of Article 453.

TITLE XIV.

UNRECORDED DOCUMENTS AND ENTRIES OF POSSESSION.

ART. 435. The prohibition to admit documents in Tribunals, Councils, and offices, which have not been recorded, mentioned in Article 389 of the law, shall be observed even when said documents can no longer be recorded by the person who desires to make use thereof, provided it is desired to prove any right whatsoever arising from the instrument or contract to which they refer, but not when they are invoked by a third person in support of a different right, not depending on said instrument or contract.

With the exception of this case and those mentioned in Article 389 of the law, the Tribunals, Councils, and offices shall return to the persons interested the unrecorded instruments which are presented, as though executed without the requisites of the law, and they shall not permit that a certified copy or extract of the same shall be made in decrees or proceedings.

Notaries shall state, in documents to be recorded, the obligation to present them in the Registry, and shall call attention to the provisions of the said Article 389 of the law.

ART. 436. An owner who does not possess a recorded title may only justify the possession, for the purpose of recording his right, by means of the proper proceedings instituted in accordance with Articles 390 and 391 of the law.

When the persons interested can not, for any reason whatsoever, present in the proceedings the documents mentioned in Article 391 of the law, Registers shall refuse the record, without prejudice to the person interested making use, should he deem it proper, of the privilege mentioned in Article 395 of the law, to prove the acquisition of ownership.

If it appears from the documents that the tax is paid in the name of the owner by a person other than the one who desires to prove the possession, and there is no other defect or obstacle preventing the record, the latter shall be suspended, and a cautionary notice shall be made thereof, because of an error capable of correction.

ART. 437. It shall be understood that a written title is lacking for the purpose of recording the possession in accordance with Articles 390 et seq. of the law, not only when the person really does not possess said title, but also when, the owner having one, he can not demand its immediate record because it has to be brought from a point at a distance from the place where it is to be recorded, or for any other reason whatsoever which compels him to defer its presentation. This circumstance may be stated in the proceedings and in the record itself.

ART. 438. In the proceedings to justify possession the person instituting them can not be required to present the title of acquisition of

the estate or right, nor shall any opposition on the part of an interested person be admitted, except such as is limited exclusively to a right of possession in his own name.

The question of right may be brought up in a declaratory suit only.

In the judicial proceedings for possession, as well as in voluntary jurisdiction, neither the intervention of a solicitor nor lawyer is required, and stamped paper shall be used.

When the object of the same is to record one or more estates, the value of all not exceeding 300 pesos, Court Clerks (Actuarios) shall be entitled to 2 pesos as judicial fees.

If the value of the estate or estates exceeds 300 pesos, and is not more than 1,000, they shall be entitled to 4 pesos as said fees.

If the value of the estate or estates exceeds 1,000 pesos, the fees shall be paid in accordance with the judicial schedule.

The fees earned in said proceedings, when they are instituted before Municipal Courts, shall be distributed, a third each, to the Judges, Public Prosecutors, and Clerks of the same.

ART. 439. Whenever it is necessary to suspend the carrying out of the provisions contained in the preceding article in regard to the amount of the fees, the person interested shall request it, annexing to his petition a sworn statement stating the value of each one of the estates. If said value has been diminished to the prejudice of the officials who are entitled to the collection of the fees, the latter may make such claims as they may deem just, but without staying the course of the proceedings requested, nor making any further charges on this account.

ART. 440. The records which must be made to prove the ownership or possession, which have been justified by the means established by Article 390 et seq. of the law, shall be made in accordance with the rules contained in the law and these Regulations for records in general, besides stating the special details required in each case, as contained in the documents presented in the Registry, to obtain the record.

ART. 441. The persons who have in their favor any entry or possession, and desire to make use of the privilege allowed them by paragraph 6 of Article 393 of the law, shall present a petition to the Municipal Judge of the place in which the estate is situated, with a certificate of the Register, in which shall be stated that twenty years have elapsed from the date of the record, and that there does not exist in the Registry any memorandum indicating that the prescription has been interrupted, requesting in virtue thereof that the conversion of the entry of possession into a record of ownership be announced by an edict in the Official Bulletin of the Province, in order that the persons who may consider themselves prejudiced may oppose it within the period of thirty days, computed from the date of the publication of said edict.

After the thirty days have elapsed without any claim having been made, the Municipal Judge shall state this fact, shall declare the pro-

ceedings closed, and shall order a certified copy in duplicate of the foregoing proceedings issued to the petitioner.

With this copy the petitioner shall appear before the Register in order that the conversion may be carried out, which shall be done by means of a marginal note; one of the copies of the certificate being filed and the other being returned to the person interested.

ART. 442. Any person who has in his favor any of the property rights mentioned in the second, third, fifth, and sixth numbers of Article 2 of the law, which has been acquired before May 1, 1880, in the Antilles, and December 1, 1889, in the Philippines, on another's real property, may ascertain by the Registries if it is recorded or not. If the record has not been made, although the ownership of the property is recorded in favor of its owner, the person interested may request the record of the right in a separate entry by presenting his title or taking advantage of any of the means established by Title XIV of the law.

If neither the property right in question nor the ownership of the property affected thereby be recorded, the person who has said right in his favor may present his title at once, so that from it an entry of presentation and a cautionary notice may be made because of an error capable of correction, the owner of the property being summoned afterwards to record his ownership within the period of thirty days.

ART. 443. The summons shall be made either by means of a notarial instrument or by the holder of the property right applying to the Municipal Judge of the domicile of the owner of the encumbered property, with a petition prepared on stamped paper, requesting that the latter be ordered within the period of thirty days, computed from the day following the notification, to record the ownership of the property, warning him that, should he not do so, or should within said period the record requested be not objected to, it shall be entered as may be proper.

The owner of the encumbered estate can not object to said record without requesting at the same time the record of ownership with the presentation of the proper title, or a certificate stating that contradictory proceedings had been instituted by him for the judicial declaration of said ownership.

The request, with the decree and the proceedings, shall be returned to the person who made it.

If the owner of the property has no known domicile, or his whereabouts are unknown, he shall be cited in the manner prescribed in rule No. 5 of Article 391 of the law.

ART. 444. If the thirty days elapse without the owner of the encumbered property having objected to the record, requesting at the same time that of ownership, in the manner and with the requisites prescribed by the second paragraph of the preceding article, the person who has the property right in his favor may present the documents required to make the record, or may apply to the Judge where the files

exist in which they are contained, so that a copy thereof may be ordered made, after the citation of the owner of the encumbered property, and that they be delivered to the petitioner; in the absence of said documents he may demand the ownership or possession of the owner of the realty, by any of the means established for the purpose in Title XIV of the law.

ART. 445. After any of the foregoing documents have been presented in the Registry, with the one showing that the owner has been summoned, the Register shall make the entry of presentation, and make the record within the period fixed by Article 56, if no Treasury fees are due for the instrument; but should any be due he shall suspend it until they have been paid.

The summons shall be filed in the Registry, and a certificate thereof shall be given the interested person who may request it.

After the encumbered real property has been recorded the cautionary notice of the property right shall be converted into a definite record.

ART. 446. If a cautionary notice of the instruments referred to has been made, in accordance with article 442, only because of an error capable of correction, the former shall be changed into a definite record, if any of the persons interested request it, provided the titles entered are again presented, and in these or in other documents which are prima facie evidence of the proof required by Article 20 of the law appears, and an examination of the Registry shows, that the ownership is not recorded in favor of any person whatsoever.

ART. 447. If the owner of the encumbered real property objects to the record requested, within the period of thirty days following the summons, presenting the proper title for record, or a certificate stating that contradictory proceedings had been instituted for the judicial declaration of said ownership, the Register shall make a marginal note in the entry of the cautionary notice of the property right, stating that the owner of the real property has objected to it in virtue of any of said acts. The holder of the property right may bring the proper action against the objector, or may request of the Judge of First Instance of the subdistrict in which the real property is situated, that the owner of the latter formulate his complaint within a short period, and if said period passes without its being presented, the conversion of the cautionary notice of the property right into a definite record shall be ordered. After the complaint has been made, a cautionary notice thereof may be ordered, at the request of the person interested.

ART. 448. The costs and expenses caused to obtain the record of the encumbered property shall be defrayed by the owner of the same, and if it is owned by two or more persons, the Register or the person interested who paid them may demand the same of the part owners, there being reserved the right of action of the latter against the others to recover from them the amount to be paid *pro rata.*

TITLE XV.

EFFECTS OF RECORDS CONTAINED IN THE OLD BOOKS AND SUBSTITUTION OF THOSE RENDERED USELESS BY FIRE OR OTHER ACCIDENTS.

ART. 449. In order that the entries of ownership contained in the old books of the Registry, referred to in the first paragraph of Article 397 of the law, may produce with regard to third persons the effects prescribed by the legislation in force at the time of making said entries, it is indispensable that they be transferred to the new books. This transfer must be requested in writing, in accordance with the proceedings prescribed in the following articles, and may be requested at any time. If the transfer is not made they shall continue to be effective, although not against third persons, according to the provisions contained in the first paragraph of Article 397, but only between the persons interested, and notwithstanding that they do not contain some of the requisites which, under penalty of nullity, are required by Articles 9 to 13 of the law, in accordance with the last paragraph of said Article 397.

Entries which are not of ownership, referred to in the second paragraph of Article 397 of the law, must be transferred in order to prejudice third persons, within the period of one year, computed from the date of the promulgation of the law; this transfer shall be requested in writing, within said period, in accordance with the following articles, having all its effects from the date of its entry in the old books, although the transfer is made subsequently, provided the request has been presented within the year mentioned.

On the day following the close of the year referred to in the preceding paragraph, Registers of property shall forward to the proper delegated Judges a statement of the requests, made up to the day previous for the transfer of records contained in the old books, which transfer had not as yet been made on said day, stating the names of the petitioners and the rights which they desire to record. The delegated Judges shall send said statements on the same day to the Presidents of Audiencias, who shall forward to the Division a certified copy of all of them within the following month, the originals being filed in the Government offices.

The entries referred to in the second paragraph of this article shall also be effective between the parties, although not transferred to the new books, in accordance with the last paragraph of Article 397 of the law.

ART. 450. All the persons who have in their favor records in the old Registries, even when they lack some of the requisites prescribed by Articles 9 to 13 of the law, may request that they be transferred to the new Registries.

The Register shall add thereto, immediately after the entry transferred, the details lacking, taking them from the new instrument presented to him, should they appear therein, and otherwise from a memorandum required by him for this purpose, made in conformity and signed by all the persons interested in the record.

This memorandum shall remain on file in the Registry.

For the purposes of this article, the persons who took part in the instrument or contract, which is the subject of the record, shall be considered as an interested party, and the person to whom said instrument or contract reserves some property right, shall be considered to be a third party.

Said addition shall be made immediately after the last words of the record transferred, in the following terms:

I herby certify that the preceding entry, lacking the details required by the law, I add them in accordance with the instrument of ———, which is now presented on the part of A, or with the memorandum which he and B have delivered to me, signed in conformity by both, in the following terms: (Here the details added; and afterwards it conforms, etc.)

ART. 451. To add the transfer of the old record in the case mentioned in the preceding article, the documents containing the details to be added shall be presented, and, in their absence, the memorandum prescribed in said article, signed by the petitioner.

ART. 452. When the details to be added to the transfer of an agricultural estate refer to its limits or bounds by other estates, which do not appear in documents which are prima facie evidence, the owners of the abutting estates shall sign their conformity with the memorandum, which, in default thereof, must be presented to request the addition.

The Register shall assure himself of the authenticity of the signatures, and of the identity of the persons who authorized said memoranda.

The additional memorandum mentioned in the first paragraph of this article should only be demanded when the addition can not be made by means of other instruments, inventories, certificates, or any kind of public documents in which the facts necessary for the purpose are contained.

ART. 453. The records made in the old books which have not been transferred to the new ones may be canceled by means of marginal notes opposite the same.

If they have been transferred to the new books, the cancellation shall be made in accordance with the provisions contained in Title IV of the law, and a memorandum shall be made in the entry of the old book, stating the cancellation and the book and folio in which it may be found.

ART. 454. If the record made in the old books to be canceled by the marginal note mentioned in the preceding article is that of a property right, and the record of ownership of the estate encumbered by said right is also contained in the old books without having been transferred to the new books, the memorandum of the cancellation must be

made in the margin of the entry of ownership and in the margin of that of the property right, if they are separate.

If the record of ownership of the encumbered estate has been made in the new books of the Registry, that of the property right being in those of the old ones, the cancellation may be made immediately following said record of ownership, stating in a single entry the existence of the property right and its cancellation, without prejudice to making in the old book the memorandum prescribed in the second paragraph of the foregoing article.

In case the record of the ownership of the encumbered estate has not been made either in the old books or in the new ones, and that of the property right which is the subject of the cancellation appears in the former, a marginal note shall be made opposite the latter, which shall produce the effects of a cautionary notice, until the record of ownership is made.

ART. 455. In all records, cautionary notices, or cancellations made in the new books, of an estate or property right recorded in any manner whatsoever in the old books, the number, folio, and name of the book containing said entry shall be cited.

The entries made in the indices of the new books relating to estates or rights recorded in the old ones shall contain the citation mentioned in the foregoing paragraph, besides the one referring to the new books.

ART. 456. For the effects of the Mortgage Law and these Regulations, by "old books of Registries" there shall be understood those kept prior to May 1, 1880, in the Antilles, and December 1, 1889, in the Philippines, and "new books," the one ssubsequent to said dates.

ART. 457. When the persons interested request the record of their instruments, in accordance with the provisions contained in Articles 398 et seq. of the law, they shall annex to the documents the receipt for the fees which should have been paid when the first record was made, and which was to have remained in their possession. If both copies of the receipt which was issued in conformity with the provisions contained in Article 248 of the law have been lost or mislaid, the person interested shall annex a certificate of the Treasury Department, proving that the fees for the instrument or contract which it is desired to record anew have been paid.

ART. 458. With the certificate or receipt they shall present a verbatim copy of these documents signed by the interested persons themselves, or by the person presenting it, or by a witness, should the latter not be able to sign.

ART. 459. The Register shall compare the original with the copy, and if he finds it correct he shall approve it with his surname, and after being stamped with the stamp of the Register he shall file it in the place of the original receipt.

ART. 460. On the receipt or certificate presented by the person interested, the Register who retains possession of the copy in the manner stated shall make a memorandum, stating that this has been done,

with the formalities of his surname and the stamp mentioned in the preceding article.

ART. 461. When the document which is to be the subject of the new record includes one or more estates situated within the jurisdiction of several Registries, in presenting to each one of the Registers the receipt or certificate, a copy thereof shall also be presented, and the other formalities prescribed by the preceding articles shall be observed.

ART. 462. In case of the destruction or loss of the duplicates or authenticated copies of the receipts, which Registers must keep for the purpose of said Article 248 of the law, without the records of the instruments or contracts referred to therein having disappeared, they must request of the Treasury offices a certified statement, showing the amounts paid by reason of the tax imposed at the proper time on said instruments or contracts, said statement being filed in the Registry.

PROVISIONAL ARTICLES.

1. The class and bond actually assigned to Registries of property of the Colonies shall continue, provisionally, in force, until a definite classification is made, from which date the periods stated in Article 1 of these Regulations shall be computed. Registers of the fourth class shall have the rank of the third class, in accordance with provisional Article 2 of the law, retaining, however, the same bonds.

Registries.

	Bonds.
FIRST CLASS.	*Pesos.*
Albay	2,000
Batangas	Idem.
Bulacán	Idem.
Camarines S	Idem.
Cárdenas	10,000
Cebú	2,000
Habana	15,000
Ilocos N	2,000
Ilocos S	Idem.
Iloilo	Idem.
Laguna	Idem.
Manila N	Idem.
Manila S	Idem.
Matanzas	10,000
Pampanga	2,000
Pangasinán	Idem.
Pinar del Río	10,000
Ponce	2,500
Tayábas	2,000
San Juan Bautista	2,500
SECOND CLASS.	
Arecibo	1,000
Bejucal	4,000
Cienfuegos	8,000
Cavite	1,500

Registries—Continued.

	Bonds.
SECOND CLASS—continued.	*Pesos.*
Capiz	Idem.
Guanajay	4,000
Humacao	1,500
Mayagüez	Idem.
Negros	Idem.
Nueva Ecija	Idem.
Puerto Príncipe	8,000
Sagua la Grande	5,000
San Germán	1,500
Santa Clara	8,000
Santiago de Cuba	Idem.
Trinidad	4,000
Unión	1,500
THIRD CLASS.	
Abra	1,000
Aguadilla	800
Alfonso XII	1,000
Antique	Idem.
Baraçoa	Idem.
Barotac Viejo	Idem.
Bataan	Idem.
Batanes	Idem.
Bayamo	Idem.
Bohol	Idem.
Cagayán	Idem.
Caguas	800
Calamianes	1,000
Camarines N	Idem.
Colón	2,000
Guanabacoa	3,000
Guayama	800
Güines	2,000
Holguín	Idem.
Isabela	1,000
Jaruco	Idem.
Leyte	Idem.
Manzanillo	Idem.
Marianas	Idem.
Mindoro	Idem.
Misamis	1,000
Nueva Vizcaya	Idem.
Samar	Idem.
San Antonio de los Baños	2,000
San Cristóbal	1,000
San Juan de los Remedios	3,000
Sancti Spiritus	Idem.
Surigao	1,000
Tarlac	Idem.
Zambales	Idem.
Zamboanga	Idem.

2. On the day on which the law goes into operation the three books of rank for the provision of Registries of property which were kept in the General Supervising Office of Grace and Justice of the Colonial Department shall be closed, one for all the Colonial provinces being opened in their stead. The first Register of each class, of whose vacancy the Registry and Notarial Division has knowledge, after said day, to

whom the last vacancy of the class was due, shall be announced, no matter in what province of the Colonies it occurred.

3. The questions relating to public offices conferred by the Crown in the Colonial provinces shall continue under the charge of the Registry and Notarial Division.

4. For the record of estates known by the name of "*Haciendas comuneras*" in the Island of Cuba, until a law is promulgated to facilitate and encourage the survey, division, and award, the following rules shall be observed, besides the precepts established in these Regulations:

First. Any of the tenants in common or participants may request this record who proves that he has resided in the estate for five years and that he possess cultivated or surveyed land therein. It may also be requested by persons who have in their possession, legitimately, the original title of concession of the estate, or by those who prove they have an interest in the same amounting at least to one-sixth.

Second. The person interested shall present the title or document on which he bases his right and a certified copy of the original concession of the gift or grant, with the names of the inclosure, ranch, farm, or lot.

Third. To said documents shall be annexed a sworn statement, signed by the person himself or by a person delegated at his request, describing the estate and giving the names and residence of the tenants in common or parties in interest in the estate, with the number of "ares" or caballerías or actual value which each one owns in the tenancy in common.

Fourth. If the person requesting the record does not know the name, residence, or interest of any of the tenants in common or part owners, he shall state this fact in the sworn statement mentioned in the preceding rule.

Fifth. The Register, in view of the documents presented, and of the statement prepared in the manner prescribed in the third rule, shall notify the owners in common of the estate of the request for the record. Those who might be dissatisfied with the contents of said statement shall appeal within the period of thirty days, if they reside in the Island, or have any persons there who represent them, and within the period of ninety days if they reside outside thereof and are not represented, to the Municipal Judge of the District in which the estate is situated, in case there are no prior lis pendens affecting the ownership or division of the same. The part owner who objects shall bring the proper action, in an oral trial, against the person who requested the record, no matter where the domicile of the latter may be, in order that in said trial, and after the citation of all of the persons mentioned in the sworn statement, and whose residences are known, the questions referring to the actual value of the part which belongs to each part owner may be decided. Said persons shall be the only ones who may prevent, in the manner indicated, the record on behalf of the part owners.

Sixth. If the sworn statement should be sufficient in the manner prescribed in the fourth rule, the Register shall make the notifications required by the preceding rules to the parties in interest whose residences are known, and to the rest by means of advertisements and posters, fixed for thirty days on the doors of the Municipal building, or those of the parochial church to which the estate belongs, and those of the office of the Registry, and they shall also be published in the "Gaceta" and in one of the newspapers of the locality.

Seventh. After the period mentioned has passed, without the Register, Municipal Judge, or Judicial authority before whom the suit was pending having received the proper communication or statement that the oral trial referred to in the fifth rule has been instituted, the record requested shall be made. When there are any unidentified or absent parties in interest, or the Register considers it necessary for good reasons, before making the record, he shall allow a period of ninety working days to elapse from the day following the one on which the last announcement was published.

Eighth. With the final judgment issued in the oral trial, and which shall be filed in the Registry, if the objection made by a tenant in common is overruled, the record shall be made.

Ninth. The Register shall retain, in all cases, in the files of his office, the sworn statement, with the proofs of the citations which may have been made.

The person who has a certain number of "ares" surveyed and cultivated within the limits of an estate owned by tenants in common, or "caballerías" of land with an inhabited house, may request their record in writing, presenting any legitimate instrument of acquisition which fixes exact bounds, and the receipts which prove the payment of the tax on the realty as owner thereof. The Register shall advise the other tenants in common of the petition, in the manner prescribed in the fifth and sixth rules of this article, and if within the periods mentioned in the same, said tenants in common do not show that they have instituted the proper proceedings, the Register shall make the record.

For the notifications treated of in this article the Register shall use stamped paper.

A party in interest in an estate owned by tenants in common who considers himself entitled to the right to record the possession, shall proceed in accordance with the provisions contained in Articles 390 and 391 of the law, and 440 of these Regulations.

5. In order that the persons interested, in the Island of Cuba, referred to in provisional Article 1 of the law, may make effective the proper rights within the period of one year granted them thereby, the provisions of the mortgage law for Cuba shall be considered in force with regard to them, referred to in said article and in the corresponding ones of the Regulations for its execution.

6. In the Island of Cuba, during the period of one year fixed in the first of the provisional articles of the law, the proceedings treated of

in Articles 168 et seq. of these Regulations must be suspended, in whatever condition they may be, by the interposition, in a legal manner, of the claim of a third person to ownership, or of one having a better claim; and against the decisions issued in this case by the Judge, the ordinary remedies may be applied. After said period has elapsed, Article 175 of these Regulations shall be fully observed.

7. To complete the statements and other work relating to the books of the abolished "Anotadurías" or "Receptorías" of mortgages of the Philippines, referred to in the Royal Decree of October 11, 1889, and the Royal Order of March 16, 1891, these provisions are declared in force for the period of one year, which can not be extended, computed from the date of the promulgation of the law, the provisions relating to cautionary notices treated of in Article 32 of said Royal Decree, being also understood continued for the same period, which can not be extended.

8. The subsidy to which Registers have a right, according to additional Article 4 of the law, shall be paid them at the end of each quarter. The Delegate, when he makes his quarterly inspection, shall examine the stubs of the book referred to in Article 429 of these Regulations; he shall verify, by examining the entries to which they refer, the correctness of the amounts which appear therefrom to have been collected by the Register; he shall state in the memorandum of the inspection the total of the fees collected by the Register during the quarter, and, after making the proper balance, he shall order that there be credited to the Register, if it is proper, the part of the corresponding subsidy, forwarding the proper order for this purpose to the Treasury of the province, within the third day, so that it may make the payment. In the memorandum of the inspection the amount which the Delegate ordered credited by way of a subsidy shall also be stated.

Approved by His Majesty.

Madrid, July 18, 1893.

ANTONIO MAURA.

I.

Entry of Presentation of an Instrument presented by the Interested Party in Person.

MARGINAL NOTES.	Ordinal number.	
The instrument to which the adjoining entry refers is recorded in volume —— of the Municipality of ——, folio ——, entry ——, estate ——. *Date.* *Surname of the Register.* (*Signature of the person who presents the instrument, and in case he does not know how to write or is unable to sign, at his request, the signature of a witness.*)	12.	Mr. J. P., a resident of R., presents to-day at —— p. m. an instrument, constituting a loan with a mortgage, executed in this city, on the —— day of ——, before the notary, Mr. A., by which Mr. L. M. constitutes in favor of Mr. J. P. a mortgage in the sum of ——— pesos upon house number —— on ——— street in this city. Humacao, the —— day of ——. (*Signature of the Register.*) Fees: 75 centavos, No. 1 of the Schedule.

II.

Entry of Presentation of an Instrument presented by an Agent.

MARGINAL NOTES.	Ordinal number.	
The cautionary notice to which the adjoining entry refers is suspended, as the estate does not appear recorded in favor of Mr. L. B.; and as it is also not recorded in favor of any other person, the note of said suspension is made on folio ——, volume ——— of the Municipality of ——, estate ——, letter ——. *Date.* *Surname of the Register.*	2.	Mr. J. R., residing (or domiciled) in this town, as agent of Mr. J. P., residing in ———, presents this day at —— a. m. a mandate issued by Mr. A. S., Judge of the Court of First Instance of this subdistrict, on the —— day of the current month of January, ordering that a cautionary notice on the coffee plantation X, situated in this Municipal district, be made, belonging to Mr. L. B., to secure the sum of ——— pesos, which he owes to the said Mr. J. P., ——— pesos as interest, and ——— as costs and expenses of the suit. Guanabacoa, the —— day of ——. (*Signatures.*) Fees: 75 centavos; No. 1 of the Schedule.

III.

Record in full of an instrument, including two estates, situated in the same municipal district, both mortgaged to secure part of the deferred purchase price.

ESTATE NUMBER ——

MARGINAL NOTES.	Ordinal number.	
The other estate, included in the same instrument, from which the adjoining entry was made, is recorded in the same volume, folio ——, estate ——, first entry. *Date.* *Surname of the Register.* The first payment of Five Thousand pesos has been made, as appears from an instrument, acknowledging the payment made in ——— the —— day of ———, before the notary, Mr. L. C., and presented in this Registry at —— o'clock in the morning of the —— day of ———, with the number —— folio —— volume —— of the Day Book. *Date.* *Surname of the Register.* Fees: 50 centavos, number 6 of the Schedule.	1.	Town.—House number ——, on ——— Street, in this town. It is bounded: On the right by house number —— of ——— Street; in the rear by house number —— of ——— Street; and on the left by ——— Street. Its superficial area is ——— square meters, and it consists of a ground floor with appurtenances to be used for stores, and of a main floor. According to the record made on folio ——, volume —— of the old "Anotaduría" of this town, it appears encumbered with a mortgage of ——— pesos, and interest upon said principal at the rate of —— per annum, and also, according to the instrument presented, it is subject to a servitude preventing the increase in height of the building. Mr. L. de P. y R., single, of age, silversmith, residing in this town, acquired said estate by purchase from Mr. J. de L., according to the instrument executed in this town before the notary, Mr. P. G. L., on the —— day of ———, of the year One Thousand Eight Hundred and Thirty, and is selling it now, together with another estate, to Mr. Z. I. M., married, of age, living upon the income of his estates, the consideration of the sale being Fifty Thousand pesos for both estates, of which

he has paid in cash Twenty Thousand pesos in gold and silver coin, the receipt of which has been certified to by the notary, being under the obligation to pay the remaining Thirty Thousand pesos in the following manner and terms: Five Thousand pesos on the twenty-eighth day of February, One Thousand Eight Hundred ——, Ten Thousand pesos on the same day of the year One Thousand Eight Hundred ——, and the remaining Fifteen Thousand pesos on the thirtieth day of December, One Thousand Eight Hundred ——; in gold and silver coin, at the residence of the vendor, both the estates being mortgaged to secure the payment of the unpaid part of the selling price; the estate of this number being appraised at ——— pesos, subject to the payment of Twenty Thousand pesos, with the waiver of any new appraisement or proceedings leading to such new appraisement. Mr. Z. I. M. records his instrument of purchase, the contract of purchase having been entered into upon the following condition, which is the only one affecting the rights of the grantee: "Fifth. Mr. L. de P. y R. reserves the right to live in and use the ground-floor premises, No. 5, for two years without being dispossessed, and rent free." The other estate included in the same instrument is recorded as stated in the marginal note of this entry. All the foregoing appears in the above-mentioned instrument, the deed of sale, executed in ——, on the second day of May One Thousand Eight Hundred ——, before the notary Mr. G. R., presented in this Registry at —— o'clock in the morning, on the —— day of July last passed, according to entry number ——, folio ——, volume —— of the Day Book ——. And all this being in conformity with the instruments, to which I refer, I sign these presents at Iloilo, this —— day of ———, 18—.

(*Full signature of the Register.*)

Fees: 20 pesos, number 7 of the Schedule.

REMARKS.

(1) In case the estate should be already recorded in favor of the vendor, and there should only be some difference in the boundaries or in some other details, the entry shall begin in the following terms:

"Town —, House No. ——, the description of which appears in the preceding record, is in conformity with the description contained in the instrument presented, with the only difference that, according to the said instrument, it is bounded in the rear by ———, which now stands in the place where formerly was house number —— of ——— Street." After having stated the incumbrances, there shall be added: "Mr. B. de P. y R. is the owner of this estate, according to the preceding record, and sells it, together with another estate," etc.

(2) In case the vendor should desire that his mortgage rights be recorded in the same entry, he shall ask the Register to do so on presenting the instrument, in which case the paragraph relating to the record shall be worded in the following manner:

"Mr. Z. I. M. records the ownership of the estate acquired by purchase, and Mr. L. de P. y R. his mortgage right upon the estate of this number, said contract having been entered into," etc.

(3) In the marginal note of the entry of presentation and at the bottom of the instrument there shall be clearly stated whether the sale only is to be recorded, or the sale and the mortgage.

IV.

Brief first record of an estate acquired before the 1st of May, 1880, together with another estate situated in the same municipal district.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.	
(The same as the first note of form No. III.)	1.	Rural.—Coffee plantation, called "Esperanza," situated in the district of ———. It is bounded on the North by the sugar estate of Mr. J. M.; on the East by the River ———; on the South by the road leading from ——— to ———, and on the West by the fruit orchard belonging to the Agricultural Development Company. It measures —— "cuerdas," equivalent to —— hectares, —— ares, —— centiares. It contains Eight Thousand coffee plants, two Hundred cocoanut palms, and other fruit trees, all the appurtenances common to estates of the same class, one two-story dwelling house, one one-story house, and three huts. It does not appear to be charged with any incumbrances. Mr. F. B. y T., of this city, proves that he was the owner of this plantation prior to the 1st of May, 1880, by inheritance from his father, who died on the —— day of ———, under the will executed in said city on the —— day of ———, before the notary, Mr. B. C., this plantation being awarded to him for the sum of

Two Thousand pesos in consideration of his part of said inheritance, according to the instrument of adjudication executed in ——, on the —— day of ——, and he sold it together with another estate to Mr. D. A. y B., residing in ——, for Twelve Thousand pesos. On this estate mortgage as appears from the instruments of the sale executed in —— on the —— day of —— of the current year, before the notary, Mr. D. A., and in accordance to which is more fully stated in the record ——, estate number —— folio —— of the volume. Mr. D. A. B. records the ownership of the estate of this number which is acquired by legal of inheritance.

Thus done in Puerto X. A. this —— day of ——, 18—.

(*Full signature of the Registrar.*)

Item 14 pesos number 7 of the Schedule.

REMARKS.

1. In case the estate be already recorded, and the description in the deed be identical with the description in the record, there shall be only entered:

"Rural.—Coffee plantation, called 'Esperanza,' the description of which is entered in the previous entry, identical with the description made in the instrument now presented. It does not appear charged with any incumbrances. Mr. F. Z. y T., a resident of this city, is the owner of this estate, according to the previous record, and sold it together with another estate, to Mr. D. A. y B., a resident of ——, etc.

2. In case there be any incumbrances, they shall be stated in the following manner:

"This estate is encumbered with a mortgage and with an annuity (censo), as appears from the first part of the preceding record."

V.

Record of acquisition by will.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.	
The other ten estates included in the instrument from which this entry was taken are recorded in the place indicated in the marginal note of entry number — folio ——, volume ——, of the Day Book. (*Date and surname.*)	4.	Rural.—Meadow land, the description of which appears in the first entry of this number, identical with the description made in the instrument now presented. According to the Registry, it is not charged with incumbrances of any kind. Mr. A., —— years old, widower, farmer, and a resident of ——, acquired this estate in the manner stated in said first record, and he having died on the —— day of ——, leaving a nuncupative will, in which he constituted as his only and universal heirs his minor children, Mr. B., Mr. C., and Miss D., together with other provisions relating to his funeral, to charitable bequests, and to the appointment of guardians and executors. The proper testamentary proceedings being instituted before the Judge of First Instance, and after the division having been made by mutual agreement between said executors and the guardians representing the minors, after they had been officially confirmed in their duties, the Court has granted the decree, dated —— of ——, approving the measures adopted and ordering a judicial record of them as well as the issue of copies of it to each person interested in his respective share of the inheritance. In said division the estate of this number has been awarded as a legacy to Mr. B., —— years of age, single, and domiciled in ——, appraised at Two Thousand pesos, under the conditions resulting from the opinions and declarations of the appraising executors and the partitioners, accepted by the interested parties: First, the right of way over this estate is granted in favor of the adjoining farm awarded to Miss D——, which right of way shall cross the meadow longitudinally from East to West, namely, from the common boundary between the dominant and servient farms up to the high road of ——, said right of way to continue until the owners of both estates by mutual agreement arrange otherwise; second, in order to fulfill the obligation imposed by the testator upon his children to have ten masses said every year for the repose of his soul during the life of his heirs, this estate being the proportional share of Mr. B., is encumbered for the amount of three masses, said masses to be said annually in the chapel of ——, said encumbrance to be in force during the life of Mr. B., unless he should wish to free said estate from this burden by reason of an exchange, sale, or any other means of alienating said estate for a consideration; for in such cases he could do so with the permission of the Bishop of his Diocese, substituting said burden by a similar one, and under the same

conditions as those contained in this covenant, upon another unencumbered estate belonging to him.' Mr. B. records the ownership of this estate, acquired by the testamentary heirship, upon the conditions as stated, and of ten other estates recorded as indicated in the marginal note. All the above is included in the inventory, appraisement, and division of the property executed before the notary of ——, Mr. H., under the date of —— of ——, of which the first copy of the inheritance in favor of this party was filed in the Registry at 10.15 a. m., on the 14th day of the present month, according to what is stated in entry number ——, folio ——, volume —— of the Day Book. And all this being in conformity with the documents, to which I refer, I sign this entry in Matanzas this —— day of ——, 18—.

(*Full signature of the Register.*)

Fees: 6 pesos, number 7 of the Schedule.

VI.

Record in favor of the heirs of an intestate relating to an estate which had been recorded in the Registry in the name of the deceased.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.
Annulment claimed by Mr. F. in the Court of First Instance of ——, ——, Office of the Clerk of the Court. (*Date and surname.*)	2.
The adjoining record number 2 is canceled by the following entry number 3, folio ——, of this volume. (*Date and surname.*)	

Town.—House No. 7, on —— Street, the description of which is to be found in the preceding record. It is free from incumbrances. Value, Five Thousand pesos. Mr. A. was the owner of the estate of this number by purchase, according to the statement in the preceding record; and, having died on the —— day of ——, without any evidence tending to show that he had left a will, Mr. B. and Mr. C., residents of ——, of age, and lawyers by occupation, applied to the Court of First Instance of ——, asking to be declared heirs of the intestate, according to the proceedings established in section 2, title 9, book 2, of the Law of Civil Procedure. Upon the termination of the proceedings provided for in the above-mentioned section, and after the hearing and consent of the Department of Public Prosecution, Hon. D. ——, the Judge of the Court of First Instance of —— and its subdistrict, has issued on the —— day of ——, through the Clerk of the Court, Mr. ——, the decree, by virtue of which Mr. B. and Mr. C., the nephews by blood of the deceased, have been declared heirs of the deceased intestate, Mr. A., share and share alike, without prejudice to a third party, who may have a better right. Mr. B. and Mr. C. record the acquisition of the ownership of said estate by rights of intestate inheritance, without prejudice to third parties, who may have a better right. All the above appears from the copy of the said decree, issued on the —— day of ——, by Mr. ——, the Clerk of the Court of First Instance of the said town, which was presented ——, etc. This record, being in conformity with the documents to which I refer, I sign it in the City of Manila, this —— day of ——, 18—.

(*Full signature of the Register.*)

Fees: 10 pesos, number 7 of the Schedule.

VII.

Record of a final judgment, annulling the preceding record, and declaring the ownership in favor of another person.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.
The other two estates included in the instrument, from which this record is taken, are registered in folio —— of volume —— of the Municipality of ——, estate number ——, fifth records. (*Date and surname.*)	3.

Town.—House, the description of which appears from the first record of this number, and is identical with the description in the instrument now presented. It is free of incumbrances. This estate was awarded to Mr. B. and Mr. C. upon the death of Mr. A., according to what is stated in the preceding record number two. Claimed by Mr. F., —— years of age, single, a merchant by occupation, and a resident of ——, before the Court of First Instance of ——, demanding the annulment of the declaration of heirship, by virtue of which said award was made, as well as the annulment of the other matters, which as a consequence of said decla-

ration have been performed and approved after the death of Mr. A.: the suit passed through all the stages, the final judgment having been obtained from the Supreme Court, declaring the annulment of the abovesaid declaration, and declaring null and without any legal effect all the acts which Mr. B. and Mr. C. as heirs of Mr. A. performed, amongst which are the records of the Registries of property: in the same manner the right belonging to Mr. F., the plaintiff, in his capacity of heir, is declared, according to the sealed will executed by the deceased on the —— day of ——, which will was given the legal force of public instruments in virtue of the decree of the —— Court, made on the —— day of ——. Mr. A. died without any legitimate heirs, on the —— day of ——, and has constituted in the above-mentioned sealed will his nephew, Mr. F., as his universal heir to all his property, with other particulars which do not limit in any way the right that is being recorded. By virtue of the foregoing statement the preceding record, number two, is canceled, and Mr. F. records his ownership, acquired by testamentary heirship, of this estate and of two other estates, recorded in the place indicated in the marginal note. All the above appears from the final judgment of ——, issued by the Supreme Court in cassation, taken to said Court by Mr. C. from the decision in an ordinary civil action demanding the annulment of the declaration of heirship, instituted by said Mr. F. in the Court of ——, which final judgment is incorporated in the mandate of said Court, which has been issued from the said Court in duplicate through the actuary, Mr. X., under the date of —— day of ——; and will certified to by the notary, Mr. P., on the —— day of ——, the abovesaid mandates and the first copy of the instrument having been presented at 11.25 a. m. on the —— day of ——, according to what is stated in entry number —— folio ——, volume —— of the Day Book, one of the mandates having been filed, under number ——, in the proper package. And all being in conformity, etc.

VIII.

Entry of ownership by virtue of judicial proceedings.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.	
	1.	Town.—House designated by number —— of —— Street, in the town of ——, block number ——, its superficial area being ——, equivalent to —— ares. It is bounded on the right by house number ——, belonging to Mr. ——; on the left by house number ——, the property of Mr. ——; and on the rear by —— Street; its value is —— pesos. This estate is only encumbered with an annuity (censo) of —— pesos of principal and —— pesos of annuity in favor of ——, which payments fall due each —— day of —— of every year; said annuity (censo) not having been recorded. Mr. L., —— years of age, landowner, a resident of ——, has applied to the Court of First Instance of ——, stating that he has acquired the ownership of said house by purchase, by virtue of a verbal contract entered into with his neighbor, A., on the ——, and, desiring to record his ownership, he asked that after due process of law it be declared that he has proven said ownership. Having heard the Department of Public Prosecution, and having summoned the vendor, A., as well as the owners of the adjoining estates, said action at law proceeded in the manner provided for by art. 395 of the Mortgage Law, judgment being rendered by the said Court on the —— of ——, through ——, which became final and by which it was declared that Mr. L. is the owner of the aforesaid house; by virtue of which he records the ownership of this estate without any conditions whatsoever. The above appears in the copy of the judgment in the above said action, which copy has been presented in this Registry on the —— day of ——, at —— o'clock in the ——, according to entry number ——, folio —— of the Day Book. And all being in conformity with the documents to which I refer, I sign this entry in Arecibo, this —— day of ——, 18—. (*Full signature and fees.*)

IX.

Record of a Judicial Sale Instrument.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.	
——	4.	Town.—House ——. (For the description of the property see the preceding forms.) This property is charged with the incumbrances which appear in the second and third records of this number, folio ——, volume ——, of the Municipality of this city. Mr. A. I., a resident of ——, —— years of age, widower, planter, acquired said estate as an

legacy from his father, Mr. L. P., according to the first record. An attachment of this house having been issued in certain proceedings in a summary action, instituted against Mr. A. I., the owner of the same, as appears from notice, letter A, of this estate, its sale at public auction was decreed, and as soon as it was issued the appraisement of the estate was ordered and the proper notices of said auction were posted for twenty days. At the public auction it was sold to the highest bidder, Mr. M. N., a resident of ——, —— years of age, married, and a merchant by occupation, for the sum of —— pesos; which sale was approved by the Court, said Court ordering the execution of the proper deed to the purchaser and the cancellation of the notice of attachment, letter A, after the payment of the amount of said bid. The debtor, owner of this estate, not having come forth to execute the proper bill of sale, the Court ordered that it should be officially executed on the —— day of ——, One Thousand ——, before the notary, Mr. N. P. In fulfillment of this order, Hon. ——, single, —— years of age, the Judge of First Instance of ——, by public instrument executed in the same city on the fifteenth day of October, One Thousand ——, before the notary, Mr. ——, sells the estate of this number, in the name of and by reason of the nonappearance of Mr. A. I., to the said Mr. M. N., for the consideration of Ten Thousand pesos, which amount was deposited in the Court before the execution of the instrument. The purchaser, Mr. M. N., records the acquisition of this estate by deed of purchase. All the above appears from the bill of sale, executed on —— (as in the preceding forms).

Havana, —— of ——, 18—.

(*Full signature of the Register.*)

Fees: 12.50 pesos, number 7 of the Schedule.

X.

Full record of a title of possession, including several estates situated in the same municipal district.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.	
The other five estates included in the same instrument, from which the adjoining entry was taken, are recorded in the folios and volumes noted on the margin of entry number ——, folio ——, volume —— of the Day Book. (*Date and surname.*)	1.	Rural.—Meadow land, called ——, situated in the district of ——, it is bounded by ——, etc., having an area of ——, equal to ——. It is not charged with any incumbrances. Its value is Two Hundred pesos. Mr. A., —— years of age, married, landowner, resident of ——, applied to the Court of ——, petitioning for the legalization of his possession of said estate, which he owned since —— (*such a date*), upon which date he inherited it from his father, Mr. B., no written title to the property having been executed. The petition having been admitted, the owners of the contiguous estates were summoned, who did not testify to anything against the right of Mr. A., and Messrs. C. and D., neighbors and landowners of said town, testified as witnesses, and stated that Mr. A. did to their own knowledge possess said meadow land for —— years. The proceedings having been communicated to the Department of Public Prosecution, and the latter having thought that, according to its opinion, all the formalities of the law had been observed, the decree of approval was issued on the —— (*such a date*). In consequence thereof, having searched the Registry and not having found therein any entry contradicting the above, I record the possession of the estate in favor of Mr. A., without prejudice to a third party, who may have a better right to its ownership. In the proceedings there are included five other estates, which are recorded where the marginal note of this entry indicates. All the above appears from the proceedings had in the Court —— of the ——, before the Clerk of the Court, Mr. H., which document has been filed in this Registry —— (*such hour and day*), according to entry number ——, volume ——, folio —— of the Day Book, the proceedings having been filed under number —— in package ——. And, being in conformity with the documents, to which I refer, I sign this entry in Cagayán, this —— day of ——, 18—.

(*Full signature of the Register.*)

Fees: 62 centavos, additional art. 6 of the Law.

XI.

Entry of possession of an estate at the instance of a person having an unrecorded property right thereon.

ESTATE NUMBER ——.

MARGINAL NOTES. —

Ordinal number. 1.

Town.—House designated with number —— of —— street, of this city, measuring —— meters in front, —— on each side, —— in the rear, which make —— square meters of superficial area; it is bounded on the right by house number ——, belonging to Mr. M., on its left by house number ——, of Mr. J., and in the rear by the —— street. This house is encumbered with an unrecorded annuity (censo) of —— pesos of principal in favor of Mr. E., and with —— pesos of annual feudal fees, as appears from the preceding notice, letter A. On the —— day of —— Mr. E. has made, through Mr. R., the notary of ——, a demand upon Mr. F., that the latter should, within thirty days, record in his name the ownership or possession of the said house; this not having been done and at the same time there not having been any opposition to the said demand, Mr. E. applied to the —— Court of the ——, petitioning that the possession belonging to Mr. E. since —— (*such a date*) be legalized, as upon the above said date he had acquired said estate from his mother, Mrs. R., without any written title. The petition having been admitted, the owners of the contiguous houses were summoned and did not testify to anything against the right of Mr. F., Messrs. G. and H., neighbors, landowners of the town, where the estate is situated, testified that the said interested party, to their own knowledge, had possession of this house for —— years.

From the certificate issued by the Municipality of ——, upon the application of Mr. E., signed and sealed by the Alcalde, Mr. N., by the syndic, Mr. J., and by the secretary, Mr. P., it may be seen that, according to the assessment list kept in that town, Mr. F. pays —— pesos of taxes on said estate, as its owner. After hearing the opinion of the Department of Public Prosecution, which stated that in its judgment all the formalities of the law have been complied with, the Court has issued the decree of approval on the —— (*such a date*). In consequence whereof, having made a search in the Registry, and not having found in it any entry contradictory to the above stated, I record the possession of said estate in favor of Mr. F., without prejudice to a third party who may have a better right to the estate. Thus it is stated in the writ of requisition of the proceedings had in the —— Court of ——, before the clerk, Mr. N., and in the above-mentioned certificate, which documents have been filed in this Registry on —— (*day and the hour*), as per entry number ——, volume ——, of the Day Book, said originals having been filed with numbers —— (*whatever they may be*) in the proper package. And all being in conformity with the documents to which I refer, I record this entry and sign it at Mayagüez, this —— day of ——, 18—.

(*Full signature and fees.*)

XII.

Record of a legacy consisting of an annuity (censo).

ESTATE NUMBER ——.

MARGINAL NOTES. —

Ordinal number. 4.

Town.—House number ——, the description of which is found in the preceding entry. It is encumbered with a transferable annuity (censo consignativo) of —— pesos of principal and —— pesos of interest imposed by Mr. A., in favor of Mr. B., according to the instrument executed on the —— of —— (*such a date*), said annuity being made dependent upon the condition of the obligation of payment for —— masses each and every year in —— Church, according to the record of this number —— on folio——, volume ——. There is no evidence of other incumbrances. Mrs. F., the wife of Mr. E., of age, who acquired said annuity by gift from her brother, Mr. B., as per —— record of this number, folio ——, volume ——, died on the —— (*such a date*), and by her will, executed on the —— of —— before the Notary, Mr. D., she has bequeathed said annuity to Mr. H. (*of such a status and residence*) upon the following conditions (verbatim): "First, that in case Mrs. H. shall have issue she shall have no right to alienate said annuity during her life, in order that it may go over in its entirety to

her children; and, second, that out of its income there shall be paid a life annuity of ——— to Mr. I. each and every year." In virtue whereof Mrs. H. records the acquisition of said annuity, as a legacy, upon the aforesaid conditions. All the above appears from the said will, and the schedule of Mrs. H.'s share of the estate issued in the judicial partition of the property left at the death of Mrs. E., approved by ——— through ——— on the —— day of ———, in the year of our Lord ———, which documents have been filed in this Registry on the —— day ———, at twelve o'clock in the morning, according to entry number ——, folio ——, volume —— of the Day Book. And it being in conformity with the documents to which I refer, I sign this entry in San Cristóbal, this —— day of ———, 18—.

(*Full signature and fees.*)

XIII.

Full record of an instrument constituting a voluntary mortgage upon several estates situated in the same municipal district.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.
The three other estates included in the same instrument, from which the adjoining record was taken, are recorded in the folios and volumes mentioned on the margin of entry number ——, folio ——, volume ——, of the Day Book. (*Date and surname.*)	2
The adjoining record number 2 is canceled by the record number ——, folio —— of this volume. (*Date and surname.*)	

Rural Plantation ———, the description appears in the preceding record, and is identical with the description made in the instrument now presented. Its value is forty thousand pesos. According to the records, this estate does not appear to be charged with any incumbrances, but in the instrument presented there is included the right of way in favor of ——— coffee plantation, belonging to Mr. J. B. y P. Mr. J. R. y O., resident of Madrid, married, of age, merchant, is the owner of this estate, according to the preceding record. Mr. J. G. y P., resident of this city, single, of age, (*trade or profession*), by virtue of a special power of attorney granted to him by the former constitutes a voluntary mortgage upon three other estates, as security for the sum of twenty thousand pesos, which sum Mr. V. D. y P. has loaned him through the medium of the said Mr. J. R. y O., delivering the money at the time of the execution of the instrument, in gold and silver coin, the notary before whom the instrument was acknowledged testifying to the payment of said money; and the distribution of the whole amount of this mortgage among the estates affected by said mortgage having been made, the estate of this number is liable for the sum of six thousand six hundred pesos, in the following manner: Five thousand pesos by reason of the loan, one thousand pesos as interest, and six hundred pesos for expenses and costs that would be incurred in case of a lawsuit, said estate being appraised at ———, waiving any new appraisement, or action with this object in view. Said mortgage was entered into upon the following conditions, the only ones which limit in any way the rights of the owner: "First, the loan is made for a term of four years, running from the date of the execution of the instrument." "Third, Mr. J. R. y O. shall pay to V. D. y P. on the first day of ——— of each and every one of the years 18—, 18—, 18—, and 18—, the sum of two thousand pesos as interest, and shall repay the principal on the —— day of ———, 18—." Mr. V. D. y P. records his mortgage right upon this estate and upon three other estates, recorded in the places indicated in the marginal note. All the above appears in the said instrument of loan secured by mortgage, the power of attorney referred to being incorporated in said instrument, executed in this city on the —— day of ———, 18—, before the notary, Mr. L. L., the first copy of which has been presented in this Registry at —— a. m. in the morning on the —— day of ———, 18—, according to entry of presentation number ——, folio ——, volume —— of the Day Book. All the above being in conformity with the aforesaid document, I sign this in Cavite this —— day of ———, 18—.

(*Full signature of the Register.*)

Fees: Ten pesos, number 7 of the Schedule.

XIV.

Brief record of a Mortgage relating to another estate included in the same instrument.

ESTATE NUMBER ——.

MARGINAL NOTES. — (The same as the preceding form.)

Ordinal number. 2.

Town.—House, the description of which ——. It is not charged with any incumbrances. Mr. J. R. O., resident of Madrid, married, of age, merchant, acquired this estate, as may be seen in the preceding record, being represented by Mr. J. G. P., a resident of this town, single, of age (*trade or profession*), constitutes by the instrument executed in this city on the —— day of ——, before the notary, Mr. L. L., a voluntary mortgage in favor of Mr. V. D. y P. upon this estate as security of the loan made by him upon the conditions stated in the full record —— of estate number ——, folio ——, volume —— of this Registry, the estate of this number being liable for the sum of four thousand pesos of principal, eight hundred pesos for interest, and four hundred pesos more for costs and expenses in case of litigation, said estate being appraised at the sum of ——, waiving appraisement or action with this object in view. Mr. V. D. y P. records his mortgage right upon this estate and upon three other estates recorded according to the indications in the marginal note.

(*Date and surname of the Register.*)

Fees: 9 pesos, number 7 of the Schedule.

XV.

Record of Transfer of Mortgage Rights.

ESTATE NUMBER ——.

MARGINAL NOTES. —

Ordinal number.

Town.—House number ——, the description of which is to be found in the preceding record. According to the second record of this number it appears encumbered with a mortgage. Mr. A., —— years of age, has acquired mortgage rights against Mr. B., upon said house, amounting to —— pesos of principal, the maturity of which, interest, and other particulars are stated in the said second entry, and he does cede and transfer it to Mr. S., —— years of age, for the consideration of —— pesos, which was paid in cash in the presence of the notary, who testifies to the fact of said payment having been made. The debtor was notified of this transfer and was present at its execution, and the contract was drafted with the following conditions which affect the right of the assignee:—— (*verbatim*). By virtue thereof Mr. S. records the said mortgage right upon the above-mentioned conditions. All the above appears from the instrument of transfer of mortgage rights, executed on the —— (*such a date*), before the notary, Mr. P., the first copy of which has been presented in this Registry on the —— day of —— at —— o'clock, as per entry number ——, folio ——, volume —— of the Day Book. The above being in conformity with the instrument referred to, I make the present record and sign it in Ponce this —— day of ——, 18—.

(*Full signature and fees.*)

XVI.

Record of Real Property in Favor of the Husband.

MARGINAL NOTES. —

Ordinal number.

Rural.—Sugar estate ——, the description of which, and encumbrances appear in record folio —— of this volume. Mr. A., a resident of ——, widower, —— years of age, acquired said estate, as it appears in the record, and having a daughter named Miss C., single, —— years of age, who engaged herself on (*such a date*) to marry Mr. E., a resident of ——, single (*age and occupation*), decided to constitute an appraised dowry of —— pesos in favor of his said daughter. Amongst the property which constituted the dowry there is the above-mentioned estate, appraised by mutual consent at —— pesos, and delivered to Mr. E., the notary certifying to it, with an appraisement for the purposes of a sale, but with the following conditions (*here there shall be stated the conditions that may have been agreed to in conformity with Art. 193 of the Regulations*). Mr. E. records the ownership of this estate with the above-mentioned conditions, said estate being charged with a legal mortgage in

favor of the said dowry for ——, at which sum it was appraised All the above appears in the dowry instrument executed in ——, on the —— day of ——, (*such a date*), before the notary, Mr. F., the first copy of which was presented at —— o'clock in the ——, on the —— day of ——, according to entry number ——, folio ——, volume —— of the Day Book. And being in conformity with the document referred to, I issue these presents and sign them, in Bejucal, this —— day of ——, 18—.

XVII.

Another record of an appraised dowry.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.	
—	2.	Rural.—Cattle ranch, the description of which in the first record is in conformity with that made in the instrument now presented.

There is no evidence of any incumbrances upon it, etc. Miss A., —— years of age, spinster, a resident of ——, acquired this estate from her father, Mr. D., according to the above said first record, and, having entered into marriage on the —— (*the date*) with Mr. C., of —— years of age, single, a merchant, and resident of ——, delivers said estate to him before the notary, Mr. N., as appraised dowry, for the purpose of which the value of said estate, by mutual agreement between the spouses, has been appraised at —— pesos. Mr. C. records the ownership of this estate, the acquisition of which was by virtue of appraised dowry of his wife, Miss A., according to the laws, and without any special conditions. In compliance with the mortgage law this estate is mortgaged for all its value in favor of the said Miss A. The above appears from the instrument, constitution and delivery of the appraised dowry made by Miss A. and Mr. C. on the —— (*date*), the first copy of which has been presented, etc. (*Ends like the other entries.*)

XVIII.

Record of a Mortgage to secure an unappraised dowry, and consisting of personal property.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.	
The other two estates included in the instrument, from which this record has been taken, are recorded on folio number —— volume —— of this Municipality, record fifth, and folio —— of volume —— of the Municipality of ——, record third. (*Date and surname.*)	4.	Rural.—Farm, the description of which, etc.

There is no evidence of this estate being encumbered, etc. Mr. A., —— years of age, etc., acquired said farm by purchase from Mr. B., as it appears by the third record of this number. The said Mr. A. has agreed to marry (or married) on the —— day of —— Miss P., —— years of age, a spinster, resident of ——; and Mr. G., a resident of ——, the father of Miss P., gives her, as unappraised dowry, and as such has delivered to Mr. A., the notary, Mr. N., certifying to the same, the following dowry, besides several estates, property rights, and personal property, consisting of jewelry to the value of —— pesos; furniture, cattle, and clothing to the value of —— pesos; and lastly, —— pesos in cash. By virtue of said dowry Mr. A. binds himself to restore the same property which has been given to him as unappraised dowry in the condition it may be on the dissolution of the marriage, and failing to do so, to be liable for the amount of the value at which it was appraised in the dowry instrument, as that was the only object of appraising the above-mentioned property; and in consequence of the demand of Mr. G. upon him to secure the restitution of the dowry by means of a legal mortgage, Mr. A. mortgages the estate of this number and two other estates in favor of Miss P., to secure the total amount of —— pesos, at which the above said personal property has been appraised, and in order to meet the possible case of the failure to return some of the above-mentioned dowry property, distributing his liability among the above said three estates, so that the estate of this number is liable in the amount of —— pesos, being appraised at —— pesos, with the waiver of any new appraisal or action having this object in view. Mr. G. accepts the said mortgage, considering it sufficient to cover said liability, and agrees to the distribution of said liability as made. Miss P. records her mortgage right upon this estate in the terms stated, and upon two other estates recorded, as appears by the marginal entry. All of which appears. (*Ends as the record of a voluntary mortgage.*)

XIX.

Record of a Mortgage upon Real Property to be set apart.

ESTATE NUMBER ——.

MARGINAL NOTES.

The other estate included in the instrument from which this record was taken, and was recorded on folio —— of volume —— of the Municipality, third entry.

(Date and surname.)

Ordinal number.

3.

Rural.—Plantation, the description of which appears in the first record, identical with the description made in the instrument now presented, differing only in regard to the boundaries, in the following manner: "On the North by ——, on the East by ——, on the South by ——, and on the West by ——." There is no evidence of its being burdened with any incumbrances. Mrs. A., —— years of age, married, residing in ——, acquired said farm from her father, Mr. L., as stated in the first record of this number. Said Mrs. A. was married for the first time to Mr. B., who died *such a day*, and two children of that union are living, Mr. D., —— years of age, and Miss E., —— years of age; Mr. B. willed to Miss A. one-fifth of his property, by a testament executed in —— on the —— day of ——, 18—, before a notary; the following property was awarded to her in payment thereof: The house, recorded on folio ——, number ——, of volume —— of the Municipality of ——, record number five, to the value of —— pesos; jewelry to the value of —— pesos; and —— pesos in coin: which four items make the sum of —— (*so much*), as appears by distribution, approved by the Judge of ——, on the —— day of ——, through ——, the certified copy of which award was issued by the notary ——, Mr. R., on the —— day of ——, in —— (*such a town*). And, as Mrs. A. has on the —— (*such a date*) contracted a second marriage with Mr. G., the above-mentioned property resulting from the said one-fifth has been set apart for the children of the first husband. Mr. E., as guardian of said children, demanded that said property be secured by a proper mortgage. In due course of the proceedings, the Court of —— issued an order approving the mortgage offered by Mrs. A., consisting of the only real property she was possessed of, and said mortgage being insufficient, she is obliged to amplify it with the first real property she may acquire, said Court ordering the execution of the proper instrument. According to said instrument, Mrs. A. mortgages the estate of this number for ——, the amount of its appraisal, which is made, waiving any new appraisal or action with this object in view, and upon the condition that upon the acquisition of more real property, she shall mortgage enough of it, so as to complete the sum of ——, the value of the property to be set apart. The children, Mr. D. and Miss E., record their mortgage right, upon this estate and upon another estate, recorded as indicated in the marginal note, and upon the above-mentioned condition. All of which appears, etc. (*It ends as all the other entries.*)

XX.

Record of a Legal Mortgage in Favor of the State.

ESTATE NUMBER ——.

MARGINAL NOTES.

Ordinal number.

2.

Town.—House, the description of which, etc. ——. There is no evidence that this house is charged with any incumbrances. Mr. A., —— years of age, acquired said house by inheritance from his father, Mr. P., as per the first record of this number. Mr. D., a resident of ——, having been appointed Superintendent of the Lotteries in the town of ——, and having offered this house as security, amounting to ——, the proper proceedings have been begun, which were approved by ——, of ——, the house of this number having been deemed sufficient to cover the above said liability. By virtue of which Mr. A., as bondsman of Mr. D., mortgages the house of this number as security to the State for the amount of —— for the liabilities which Mr. D. may incur in the office of said Superintendent of Lotteries, the estate being appraised at ——, waiving any new appraisal or action with this object in view. This bond —— (*the special conditions upon which said bond was constituted have to be inserted here, and, in case there were no special conditions, this fact must be stated here*). The State records its right to the legal mortgage, as to the result of the above-mentioned office with the aforesaid conditions (*or without any conditions*). The above appears from the instrument constituting the mortgage security, executed by Mr. A. on the —— day, before the notary, Mr. E., the first copy of which was filed on the ——, etc. (*It ends as all the other entries.*)

XXI.

Cautionary notice of a legacy of twenty-five thousand pesos.

ESTATE NUMBER ——.

MARGINAL NOTES.
——

Ordinal number.
——
Letter ——.

Rural.—Plantation, the situation, superficial area, boundaries, and other particulars are to be found in record ——, of this number on folio ——, volume ——, and the incumbrances thereon appear from the record of the same number, on folio ——, volume ——, of this Municipality. Mr. A., resident of ——, and the owner of this estate, as appears from record ——, folio ——, volume ——, died in ——, the —— day of —— of the present year, leaving a legacy of 25,000 pesos to his nephew, Mr. C., single, 15 years of age, residing in ——, and constituting his two sons, Mr. E. and Mr. F., both of age, his universal heirs. Said legacy having been accepted by the latter, although the partition of the property has not been made up to this date, the legatee, Mr. C., applied to the —— Court, petitioning that a cautionary notice be ordered to be made in his favor upon the above mentioned plantation; the Court having allowed said claim, Mr. C. gives public notice as to his right as legatee, and by virtue thereof he has constituted this cautionary notice upon the above said plantation for the term of the one hundred and eighty days prescribed by the law. All the above stated appears from the mandate of the ——, issued on —— (*such a date*), before Mr. G., presented in this the Registry on the —— day of ——, at —— o'clock in the morning, as per entry number ——, folio ——, volume —— of the Day Book, and which order has been filed under number —— of the proper package. And it being in conformity, etc.

(*Date, full signature, and fees.*)

XXII.

Cautionary notice of an instrument of cancellation, the record of which is suspended.

ESTATE NUMBER ——.

MARGINAL NOTES.
——
The cautionary notice of this entry has lapsed, sixty days having passed since date thereof without remedying the defect of the instrument, the record of which was requested. No fees.
(*Date and surname.*)

Ordinal number.
——
Letter ——.

Record number ——, folio——, of volume ——, by which Mr. D. constituted a mortgage for —— in favor of Mr. B., is shown to be canceled by an instrument executed by the above said interested parties on the —— day of ——, of ——, before the notary, Mr. C., the first copy of which has been presented on the —— day ——, of ——, according to entry number——, volume —— of the Day Book. But as there appeared therein —— (*here all the defects capable of correction therein contained shall be stated*), I return it for the correction of these defects within sixty days, and meanwhile I suspend the record of cancellation, in its place entering this cautionary notice. And it being in conformity with the said instrument, I sign this entry in Aguadilla, this —— day of ——, 18—.

(*Full signature and fees.*)

XXIII.

Cautionary notice of a voluntary Mortgage.

ESTATE NUMBER ——.

MARGINAL NOTES.
——

Ordinal number.
——
Letter A.

Rural.—Coffee plantation, the description of which appears in the preceding entry. There is no evidence that it is charged with any incumbrances. Mr. A., —— years of age, acquired said estate by purchase from Mr. B., as appears from the above entry, and he mortgages it to Mr. C., —— years of age, as security for a loan of —— pesos upon the following conditions —— (*verbatim*). The above appears from the instrument of loan secured by mortgage executed by Mr. A. and Mr. C. on —— day of ——, before the notary, Mr. E., the first copy of which has been presented in this Registry on ——, at —— o'clock in the morning, according to entry number —— of the —— volume of the Day Book. And all the above being in conformity with the instrument to which I refer, but having found in said instrument a defect capable of correction —— (*here the particulars of the defects shall be stated*), I do suspend the record and return the instrument, in order that the interested parties may correct the above-mentioned defect within sixty days' time, meanwhile entering this cautionary notice. And it being in conformity, etc.

(*Date, signature, and fees.*)

XXIV.

Conversion of the preceding cautionary notice into a record.

The preceding cautionary notice, letter A, showing that Mr. [illegible] a mortgage right of —— upon the estate of this number, is hereby converted into a definite record, as the defect which caused the suspension of the record has been corrected by means of a new instrument executed by the same interested parties before the proper notary on the —— day of ——, in which —— [illegible] in such a manner as which the defect was corrected. The first copy of said instrument, together with the copy of the former instrument, of which the cautionary notice was made, has been presented in this Registry on the —— day of —— of this year 18—, which is the ——, according to entry number ——, folio ——, volume —— of the Day Book. And in being in conformity, etc.

(Date, signature and fees.)

XXV.

Cautionary notice of a property right in consequence of the failure to record the realty which is affected thereby.

ESTATE NUMBER ——.

MARGINAL NOTES. —

Ordinal number. ——

Letter ——.

Town.—House number —— of —— Street, in this town. It is bounded on the right by house number ——: in the rear by house number ——, on —— Street: and on the left by ——, *[illegible]*. Its superficial area is —— square meters. Mr. E., a resident of ——, is the owner of an annuity *censo*, of —— pesos, principal and of a feudal fee of —— pesos imposed upon said house, according to the public instrument executed on the —— day of —— before the notary, Mr. M., the first copy of which he has presented in this Registry, in order that a cautionary notice might be made, because it was ascertained that neither said annuity (censo) nor the estate itself is recorded in favor of its present owner, Mr. E., nor in favor of any other person. In consequence of its not being recorded in favor of anyone, I make a cautionary notice because of the above-stated defect, which should be corrected in sixty days. All the above appears in the aforesaid first copy presented in this Registry at —— o'clock in the —— of —— day of ——, according to entry number ——, folio ——, volume —— of the Day Book. And being in conformity with the instrument to which I refer, I sign this in Cadiz, this —— day of ——, 18—.

(Signature in full and fees.)

XXVI.

Cancellation of a cautionary notice of an agricultural loan, made in consequence of a written request of the interested parties.

ESTATE NUMBER ——.

MARGINAL NOTES. —

Ordinal number. ——

Letter ——.

Cautionary notice of the Agricultural loan, letter ——, mentioned in folio ——, volume —— of this Municipality, is hereby canceled in consequence of the signed petition made on —— day of —— by Mrs. A., in whose favor it was constituted, and by Mr. B., who has constituted it, in consequence whereof the estate to which it refers is freed from said charge. Both the interested parties have been identified before me; and I do hereby certify to knowing them, and that there is no evidence upon the record that either of them has lost his or her respective rights stated in the notice which is canceled. Said petition was presented on the —— day of ——, at —— o'clock in the morning, as appears from entry number ——, folio ——, volume —— of the Day Book, and is filed under number —— in the proper package. And being in conformity, etc.

(Date, full signature, and fees.)

XXVII.

Cancellation of a record of a voluntary Mortgage upon several estates situated in the same municipal district.

ESTATE NUMBER ——.

MARGINAL NOTES.	Ordinal number.	
The same as Form number 5.	3.	The preceding record of a mortgage right is hereby wholly canceled, as the debtor, Mr. J. R. O., has paid to the creditor, Mr. J. V. D., the sum of —— pesos, together with the interest past due, the receipt of which has been certified to by the notary, and the said creditor having consented to this cancellation. This appears in the instrument executed on the —— day of ———, before the notary, Mr. L. L., the first copy of which instrument has been presented in this Registry, at —— o'clock in the morning on the —— day of the present month, according to presentation entry number ——, folio ——, volume —— of the Day Book, the ordinary copy of which instrument having been filed under number —— in the proper package. And being in conformity, etc. (*Date, full signature, and fees.*)

REMARKS.

The cancellation made according to the preceding form shall be made only in the Registry corresponding to the estate in which there appears the full record of mortgages. In regard to all other estates, there shall be only stated in the margin of the proper mortgage records a memorandum in the following terms: "The adjoining record number —— is canceled in consequence of the payment by the debtor, Mr. J. R. O., to the creditor, Mr. J. V. D., of the principal loaned, together with the interest, according to the instrument executed on the —— day of ———, before the notary, Mr. L. L., as appears from record number 3, estate number ——, folio ——, volume —— of the Municipality of ———."

(*Date and surname.*)

XXVIII.

Certificate in connection with entries of any kind pertaining to a given property.

I, N. N., Register of ———, do hereby certify that, upon the application of Mr. A, demanding the issue of a certificate of all the entries of any kind existing in this Registry for thirty years last past, pertaining to the house situated on ——— street, number ——, block number ——, and having searched the proper books, it appears:

First. That the said house is the one designated under the same number ——— (*or, under such a number*), bounded in the year one thousand eight hundred and fifty-nine on the right ——— (*here the boundaries*), and was sold by its owner, Mr. B., to Mr. C., for —— pesos, which was paid in cash, with an obligation to recognize and reserve in his favor an annuity (censo) of (*so much of the principal and so much of annual payments*), according to the public instrument executed on ——— (*such a date*), which was recorded in this Registry on the sixth of March, of said year, one thousand eight hundred and fifty-nine, according to what appears in volume ——, folio ——, of the old "Receptoría."

Second. That said Mr. C. willed the above said house to Mr. E. in his testament, executed in ——— on the sixth of January, one thousand eight hundred and sixty, which was recorded in the fourth volume, folio ——, of the old "Receptoría."

Third. That Mr. E. mortgaged said house to Mr. G. as security for a loan of —— pesos for ten years at five per cent interest, according to the public instrument executed in the said city of ——— on the ninth day of November, one thousand eight hundred and sixty-four, which was recorded in the ——— book, folio ——, etc. (*on such a date*), which record has not been canceled up to date. (*In this manner all the other records that may appear shall be stated ending thus:*) And there being no other entry in force either in the Registry or in the Day Book, I sign these presents in ———.

(*Date and signature.*)

Fees for the search in the old "Receptoría," ———.

Do. For this certificate, ———.

XXIX.

Verbatim certification of entries of all kinds by virtue of a judicial mandate.

I, N. N., etc., ——— certify that, in compliance with the preceding mandate, I have examined all the entries pertaining to the books of the old and the new Registry, and it appears:

First. Folio —— of the ——— book of the old Registry contains the following entry: (*It is copied.*)

Second. Folio —— of the ——— book, of the Day Book, entry number, ——.

Third. On the margin of the preceding entry there is the following note: ———.

Fourth. Folio —— of the ——— book of the Register of Property of the town of ———, estate number ——, first record ———.

The four entries hereinbefore inserted are the verbatim copies of those found on the folios and books, and under the numbers above mentioned, to which I refer. And, there being no other pertaining to said estate, that this may appear, I sign these presents in ———.

(*Date and signature.*)

Certification fees ———.

Do. For the search in the old Registry ———.

XXX.

Certification of Mortgage Records recorded against a given person.

I, N. N., etc., ———, certify that upon the application of Mr. A., asking that a certification be issued pertaining to all the mortgages created by Mr. C. during the ten years last past upon the estates which he possesses in ———, and upon examination of the books of the Registry and of the Day Book, it appears:

First. That, being the owner of the sugar plantation called "———," situated in the district of ———, subdistrict of ———, measuring (*such a superficial area*), designated in the Registry of Property with number ——, folio ——, volume ——, according to entry number ——, the boundaries of which are ———, has mortgaged it, together with other property, for the sum of ———, it being appraised at ———, for the security of the dowry, appraised at —— pesos, which his wife, E., brought in marriage, according to the public instrument executed in ——— on the sixth day of ——— of the year ———, which said mortgage appears made on ——— (*such a day*), record number ——, folio ——, volume ——.

Second. That said Mr. C., being also the owner of a coffee plantation situated in the district of ———, measuring (*so many*) "cuerdas," designated in the Registry of Property with number ——, on folio ——, volume ——, according to record number ——, and the boundaries of which are ———, has mortgaged it for —— pesos, it being appraised at —— pesos, together with other property belonging to Mr. G., as security for the loan of —— pesos, made to the said G. by I —— for three years at six per cent interest, according to the public instrument executed in this city on the ——— (*such a day*), which mortgage appears made on (*such a day*), record number ——, folio ——, volume ——.

Third. That, finally, amongst the entries of the Day Book, which were not as yet recorded, there appears on folio —— of the volume —— an entry which (verbatim) reads as follows: "Number —— (*here the entry of presentation*)."

And, the above said entries not having been canceled, there being no other mortgages pending against said C. in the proper Registry or in the Day Book, I issue this certificate in ———.

(*Date and signature.*)

Fees for the search in the old "Receptoría," ———.

Do. For this certificate, ———.

XXXI.

Certificate that there are no property rights of a given kind charged on an estate.

I, N. N., etc., ———, certify that, upon the application of Mr. A. for a verbatim certification of the annuities (*censos*) and mortgages charged upon the house which he owns in this city, ——— street, number ——, or, in case there should be no charges of such a character upon it, if this should appear from the time of the beginning of the now abolished "Receptoría," I have examined all the books of the same, and there does not appear therefrom that house number —— of ——— street, designated under number —— in the Registry of Property, volume ——, folio ——, the boundaries of which are ———, and the ownership of which is recorded in favor of the above said A., by record number ——, is charged neither with annuities (*censos*), nor with mortgages in force from the beginning of the old Registry, neither has there been presented in regard to this house any instrument pertaining to such charges pending its record. Thus it appears from the books of the Registry and from the Day Book, and that it may so appear I issue these presents in ———.

(*Date and signature.*)

Fees for the search in the old "Receptoría," ———.

Do. For this certificate, ———.

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Name of the pers or against whom a property right corded or entere
Abad (Mr. José) .
Belabal (Mr. Juan
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Registry of Prop

Square or street.
Armas.....
Cruz.....
Comercio .....

Registry of Prop

Name of the estate or of the farm, or district.
Carmelita .....
Pitajaya.....
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XLI.

Judicial proceedings for recording possession in the Registry of Property.

PETITION REQUESTING AN INVESTIGATION.—To the Court (of First Instance, or Municipal Court, as the case may be). Mr. A., ———, a resident of ———, as shown by his personal "cedula" (of *such a* class), which was issued to him under number ———, formally appears and in conformity with the laws, says: I am the owner of a piece of land of ——— ares and ——— centiares of superficial area, situated in this Municipal district, sub-district of ———, of *such a* kind (it must be specified), which is bounded on the North by ———; on the East by ———; on the South by ———; and on the West by ———, and on which there is no encumbrance (or has *such* encumbrances). I had this estate by inheritance from my father who in his turn had inherited it from his father, but, on account of the small value of same, and there being no notaries in the town, (or for some other reason), I have no written title to prove my ownership (or it is difficult for me to find it as I do not know in which archives or book it may be) in spite of the fact that I have already been ——— years in possession of said estate, and, in order to remedy the absence of said title and to enable me to record my right in the Registry of Property, I request that proceedings be begun as authorized by Articles 390 and the following of the Mortgage Law, and therefore: I respectfully petition the Court to receive the declarations of witnesses submitted by me upon the fact of said possession, ordering it to take place with the hearing of the Fiscal (Representative of the Department of Public Prosecution) and summoning the adjoining owners whose names are: ——— ———, and to approve said proceedings in case they shall be found according to law, and ordering that the proceedings be delivered to me for record in the Registry of Property, since my request is according to justice.

Furthermore, in compliance with the provisions of Art. 391 of the Mortgage Law, I accompany herewith the certificate issued by the Mayor of ——— (of the Municipal district where the property is situated, or from the official empowered to collect in said town the territorial taxes), according to the assessment roll (or according to other official data), showing that I pay such an amount for taxes as owner of the estate hereinbefore described, and I also request the Court to admit it and to order it to be attached to the proceedings for its due legal effects. (*Date and signature.*)

(*If it is desired to record a property right, the investigation shall be asked for and made, giving a hearing to the owner or to the other participants in the ownership of the estate charged with that right. When no quarterly tax has been paid, on account of the realty or property right having been recently acquired, or because the petitioner is the heir of the former owner, the absence of the tax certificate shall be remedied in the manner established by rule 4 of Art. 391 of the Mortgage Law.*)

Partition or presentation proceedings, as the case may be.

RULING: In consequence of the foregoing petition with the certificate thereto attached having been presented, the investigation proceedings with witnesses are hereby ordered with citation of the Fiscal, (Representative of the Department of Public Prosecution) and of Mr. ——— and Mr. ——— (or of the owner or the participants in the ownership if a property right is involved), as solicited in the said petition. (*Date and signature.*)

Notices and citations in the ordinary form.

DEPOSITION OF THE WITNESS, N. N.—In ——— on the —— day of ———, before Mr. ———, there appeared the witness, N. N., —— years of age, landowner and resident of *such a* locality (of the town or district where the property is situated), which ownership and residence he proves by his personal "cedula" (of *such a* class and number), which he shows (or by *such* documents), to whom said Judge has administered the oath, which he took in due form, promising to tell the truth of what he knows and may be asked, and being asked for his general description in conformity with the law, he said: To be and to be named as above stated, that he is neither an employé, a friend, an enemy, or a relation of the petitioner, and has no interest whatsoever, either direct or indirect, in this matter, nor in any other similar matter, and that he has never been convicted of perjury.

Being asked: Whether it is true that Mr. A. B. did possess and possesses in his own name the estate *or such property rights* (they shall be described), said: That the contents of the question are true and that he is certain of it, because he has constantly observed that Mr. A. B. has exercised the rights and obligations of a rightful owner in regard to said estate.

Being asked: For how long a time has Mr. A. B. been in possession of the estate mentioned in the preceding question, he said: During *so many* years.

The preceding deposition having been read to him, he affirmed it and ratified it, and he signs it together with the Judge and with me, the Secretary (or Clerk of the Court, *Actuario*), to all of which I certify. *Signatures.*

(The form of the remaining depositions shall be similar.)

RULING. To the Fiscal (Representative of the Department of Public Prosecution) in order that he may state what he may wish and deem proper. *Date and signature.*

Notices and formality of delivering the record of proceedings.

OPINION OF THE FISCAL REPRESENTATIVE (Representative of the Department of Public Prosecution.)—The Fiscal says: That he has examined the record of these proceedings, and that, in view of the fact that the witnesses examined comply with the conditions required by rule 2 of Art. 391 of the Mortgage Law, and that the other legal formalities have been complied with, he has nothing to object against said investigation, and requests the Court to approve it (or he finds *such a* defect and asks that it should be corrected). *Date and signature.*

Formalities for obtaining again the record of proceedings and delivering it to the Judge for a final decree.

FINAL DECREE.—In *such a* locality, on *such a* date: In view of these proceedings petitioned for by Mr. A. B.

Whereas, Mr. A. B. presented in this Court a petition, dated ——— ———, stating that he was the owner of *such an* estate or property right (describe it), that he obtained it by inheritance from his father, Mr. C. B., who in his turn inherited it from his father, that he had possession of it for more than ——— years, but that for *such a* reason (which is alleged) he had not a written title of possession, and, therefore, in order to be enabled to record his right in the Registry of Property, he did petition for the due investigation proceedings authorized by Art. 390 of the Mortgage Law (accompanying *such* documents), and requested that the proceedings of investigation be granted with citation of and a hearing by the Fiscal (Representative of the Department of Public Prosecution,) as well as with citation of the owners of the adjoining estates, and that said proceedings be finally approved in so far as the law permits.

Whereas, during the investigation (*so many*) witnesses, neighbors, owners of ———, have testified that it is true that Mr. A. B. did possess in his own name and as an owner for a period of more than ——— years *such an* estate, these facts being known to them from their own knowledge.

Whereas, the record of proceedings was delivered to the Fiscal (Representative of the Department of Public Prosecution) and he has decided that all legal formalities have been complied with and that it was in order that the investigation proceedings should be approved (or has noticed *such a* defect and requested its correction, which was accordingly done.)

Whereas, according to the provisions of Art. 390 of the Mortgage Law, the owner having no written title of possession, may record his right upon previously proving his possession before the Judge of First Instance of the locality where the property is situated, with a hearing by the Fiscal (Representative of the Department of Public Prosecution) and citation of the owners of the adjoining estates, in case it was desired to record the full ownership of an estate, and with citation of the owner or of the other co-participants in the ownership, if it was desired to record a property right, and that, if the estates are located in a town or district where there is no Court of First Instance, said investigation proceedings may be held before the proper Municipal Judge with a hearing by the Fiscal Representative (Public Prosecutor) whose intervention shall be limited to seeing that the formalities of the law are observed in the proceedings.

Whereas, it has been proved by these proceedings with witnesses that Mr. A. B. does possess in his own name and has possessed for more than ——— years the estate (or property right) ——— which he acquired from ——— by right of ———, and that the witnesses who have testified in these proceedings are all residents and land owners in the town or district of ——— where the estate is situated, fulfilling, therefore, the requisites demanded by Art. 391 of the same Mortgage Law, and,

Whereas, all the other legal requisites have been complied with in the proceedings, and there was no opposition on the part of any person, and that the Fiscal (Representative of the Department of Public Prosecution) has decided that it is in order to approve said proceedings,

In view of the above mentioned articles and also of Articles 392 and 393 of the Mortgage Law and Articles 436 to 441 of the Regulations as to its execution,

The Judge, before me, the Secretary, (or Clerk of the Court, *Actuario*), says: That he had to approve and did approve the investigation submitted, ordering that in virtue of the same there shall be recorded in the Registry of Property of ———

the record petitioned for by Mr. A. B., of possession of the estate ——— *without prejudice to a third person who may have a better right*, for which purpose the original record of proceedings shall be delivered to him in order that he may present it in said Registry. So it was provided for, ordered, and signed by ———, to all of which I certify. Before me, ———, Secretary, (or Clerk of the Court, *Actuario*): *Signature.*

Notice and formality of delivery of the record of proceedings to the interested party.

NOTE.—When there is an opposition made by anybody, who considers that he has a right to the property, the record of which is petitioned for, when it is shown that the claim has been presented to the proper Court and that the cautionary notice has been entered in the Registry, the investigation proceedings for possession shall be suspended, and so stated.

Statement of the articles of the Mortgage Law and of these Regulations which agree more or less directly with each other.

Articles of the Law.	Articles of the Regulations.	Articles of the Law.	Articles of the Regulations.
1	1 to 23	186	200
2	24 to 49	190 to 199	201 to 206
3	50 and 51	201 to 206	207 to 210
5	52	207 to 216	211 to 214
6	53 to 56	217 to 221	215
7	57 and 58	222 to 233	216 to 251 and 277 to 289.
8	59 to 62		
9 to 14	63 to 75		
15	76	234 to 237	252 to 257
18	77 to 80	238 to 243	258 to 270
19	81 to 83	244	271 to 274
20	84 to 86	245 to 248	275 and 276
21	87	254 to 262	290 to 302
30 to 32	88 to 90	265 to 268	303 to 308
42 to 64	91 to 109	269 to 273	309 to 329
65 to 67	110 to 155	276	330 to 333
72 to 75	126 to 130	279 and 280	334 to 336
79	131 to 133	281 and 282	337 to 340
80	134 and 135	285	341 and 342
82	136 to 138	286	343
83	139	287	344 and 345
85	140 to 144	288 and 289	346
86	145	290 to 294	347 to 350
88 to 91	146	297	351 to 358
96	147	303	359 to 370
100 and 101	148 to 151	304 to 307	371 to 384
102 and 103	152 to 154	308	385 to 390
104	155 to 159	309	391 to 404
105	160	310	405
111	161	312	421
112 and 113	162 and 163	322	406 to 419
119	164 and 165	323 to 326	420
122	166	334	422
125	167	335 and 336	423 to 428
128 to 133	168 to 176 and 6 temporary.	339	429
		348	430
		349	431
141	177	358	432
142 and 143	178 to 180	361	433
144	181	375	434
146	182 to 184	389	435
152 to 154	185 to 187	390 and 391	436 to 440
168	188 to 191	393	441
169	192	396	442 to 448
172 to 174	193 to 198	397	449 to 456
184	199	398	457 to 462